

**San Ysidro School District
Governing Board
ORGANIZATIONAL MEETING
AGENDA**

Thursday
December 19, 2019
5:00 p.m.

WELCOME

Welcome to the meeting of the San Ysidro School District Governing Board. As a courtesy to others, we ask that you turn the volume off on your cell phones and put them on vibrate during the Board meeting. Your cooperation is appreciated.

San Ysidro Middle School
Multicultural Complex
4345 Otay Mesa Road
San Ysidro

GENERAL ADMINISTRATION

SAN YSIDRO SCHOOL DISTRICT
4350 Otay Mesa Road San Ysidro, CA 92173
Phone Number: (619) 428-4476 Fax Number: (619) 428-1505

REGULAR MEETING OF THE GOVERNING BOARD
THURSDAY, NOVEMBER 14, 2019
5:00 p.m.

Pursuant to Government Code Sections 54954 and 54954.2 and Education Code Section 35140, the Regular Meeting of the Governing Board was held on Thursday, November 14, 2019 with Closed Session held at 5:00 p.m. to 6:00 p.m., and reconvened into Open Session at 6:00 p.m. and conducted its business meeting at **Willow School - Auditorium, 226 Willow Road, San Ysidro, CA 92173**. Closed Session was conducted in accordance with applicable sections of California Law.

MINUTES

1. CALL TO ORDER Who: President I. Lopez Time: 5:00 p.m.

2. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Mrs. Irene Lopez, Board President
Mr. Humberto Gurmilan, Board Vice-President
Mr. Antonio Martinez, Board Clerk
Mr. Rudy Lopez, Member
Mrs. Rosaleah Pallasigue, Member

3. AGENDA

The Board approved the agenda for the meeting.

Motion: Martinez Second: Gurmilan Vote: Unanimous

4. PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS

None at this time.

Clerk Martinez made the motion to recess to Closed Session, seconded by Member Pallasigue. The vote was unanimous.

5. GOVERNING BOARD – RECESSED TO CLOSED SESSION at 5:02 p.m. in accordance with section 54954.5 regarding:

5.1 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Potter)

Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Student v. San Ysidro School District
OAH Case No. 2019050255.

5.2 CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Potter)

Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Erika Meza v. San Ysidro School District; Case Number: 37-2019-00053602

5.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Potter)

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
No. of cases: 2

5.4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/LIABILITY CLAIM (Potter)

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:
No. of cases: 3 (Claims filed by Marcos Diaz, Rodolfo Linares, and Arturo Castanares)

5.5 GOVERNMENT CODE SECTION 54957

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/REASSIGNMENT

**5.6 GOVERNMENT CODE SECTION 54957.6
CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiators: David Farkas, Executive Director of Human Resources

Employee Organizations:

San Ysidro Education Association/CTA

California School Employees Association, Chapter 154

Unrepresented:

Administrators, Classified Management, Confidential/Supervisory

RECONVENED into OPEN SESSION at 6:07 p.m. to take action on items discussed in closed session, or to make disclosures of action taken in closed session, if any, as required by Government Code section 54957.7 and section 54957.1.

Joseph Sanchez, Legal Counsel, on behalf of the Board, took the following action in Closed Session:

- 1) Item 5.1 -The Board unanimously approved a settlement agreement in Office of Administrative Hearings Case No. 2019050255. The motion was made by Board Member Martinez and seconded by Board Member Pallasigue.
- 2) Item 5.4 – The Board voted unanimously to deny Tort Claims filed by Marcos Diaz, Rodolfo Linares and Art Castanares. The motion was made by Board Member Rudy Lopez and seconded by Board Member Pallasigue.

6. CALL TO ORDER Who: President I. Lopez Time: 6:07 p.m.

7. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board

Mrs. Irene Lopez, Board President

Mr. Humberto Gurmilan, Board Vice-President

Mr. Antonio Martinez, Board Clerk

Mr. Rudy Lopez, Member

Mrs. Rosaleah Pallasigue, Member

8. FLAG SALUTE by Nahomi Arreola Magaña, Willow School Student

9. BOARD RECOGNITIONS - DISTINGUISHED CHAMPIONS (Mata)

9.1 Willow Student Presentations - Presenter Manuela Colom

9.2 San Ysidro Middle School and Vista Del Mar Softball/Baseball Teams - Presenter Omar Calleros

9.3 Class Acts Teacher Recipient - Zenaida Rosario- Presenter Principal Russell Little

9.4 San Ysidro School District Maintenance, Operations and Facilities Team - Special Project Crews - Presenter Marilyn Adrianzen

10. PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS

PLEASE SUBMIT PUBLIC COMMENT FORMS PRIOR TO START OF MEETING

Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address **all of their items**. If translation services are required, please state that, and an additional one (1) minute will be allotted. **Approach the lectern and give your name.**

16.1

The public has the opportunity to address the Board on any item appearing on the agenda or not on the agenda. Persons wishing to address the Board are asked to fill out a **Public Comment Form** located at the sign-in area, and submit the completed form to the administrative assistant prior to start of meeting.

Those who have a group concern are encouraged to select a spokesperson to address the Board. A copy of the full agenda is available for view at the Superintendent's Office located at 4350 Otay Mesa Road, San Ysidro, California. Also, at the district website: www.sysdschools.org.

Jacqueline Reynoso Marquez, Representative for Mother's Out Front, Commented: 1) Shared concerns about climate destruction, air quality, diesel exhaust and the effects it has on children and frontline communities.

Lauren Lokey, Representative for Mother's Out Front, Commented: 1) She is passionate about improving the climate. 2) Commended the Board for recognizing the effects of climate change and the urgency to address it. 3) Hopes that the Board considers adopting an electric school bus resolution to not only stop pollution, but to protect our children's health.

Sandy Naranjo, Organizing Manager for Mother's Out Front, Commented: 1) Commends San Ysidro for taking the first step to acknowledge that climate change is real and a threat to us. When we talk about air pollution and air quality, more often children that live in San Ysidro are diagnosed with asthma and have higher rates with emergency room visits. There needs to be action. 2) Urged the Board to consider the electric school bus resolution.

11. ITEMS FROM THE BOARD & SUPERINTENDENT

Member R. Lopez, Commented: 1) Thanked Willow staff for hosting the Board Meeting. 2) Acknowledged a news story that came out on 10 news about our homeless and transitional homeless students. Veronica Medina and staff are doing a great job in identifying the students and getting them the resources they need and people are noticing it. 3) There was also a report about how other districts are failing to identify these students and getting them the resources they need. 4) He started reading comments from people that don't have anything to do with our community and almost engaged with them. We should ignore bad stuff that goes around and keep focusing on the good.

Clerk Martinez, Commented: 1) Thanked Principal Bojorquez for hosting the Board Meeting. 2) A lot of times people think homeless is the individual that you see outside, but the reality is when you talk about transitional homeless you talk about families that work two to three jobs and still can't make ends meet. Families have to live in their car one night and with a family member the next night. It's difficult to provide the best education possible when children are facing challenges and are worried about where they will sleep. 3) He is happy about the news story that highlights the work that staff has been doing, but this has been going on for years. Hopes this gives us exposure so we can all work together to help these students. 4) Acknowledged Mother's Out Front for attending the Board Meeting. We will be one of the first districts to start tackling the climate change and to get electric school busses with a grant that's available. 5) Applauded staff for the work they do to make sure students get the best quality education.

President I. Lopez, Commented: 1) Thanked Principal Bojorquez for bringing resources that help our students. 2) The climate change resolution is very important for our children. Agrees with Mother's Out Front. Many children are ill with bronchitis and asthma. We need to work together, make a change and show other cities that they can do it too. 3) Thanked Dr. Potter for bringing new ideas and resources that we need and thanked principals and staff. We are a family and are here for the children. Our kids deserve a healthy environment and the best education. 4) She is proud of this Board for understanding and working together. 5) Acknowledged Stephanie Allen from Congressman Vargas' office.

Member Pallasigue, Commented: 1) Thanked everyone for hosting the Board Meeting. 2) Thanked Mother's Out Front for attending the Board Meeting. 3) We've had air quality monitors at several of our schools for a few years. When it comes to our children, there are no boundaries. Our community will support any effort for our children's health and advancement. 4) Mentioned that it's illegal to park overnight on the street even if it's a necessity. Dreams for Change is a safe overnight parking lot. As a community we can get involved to have the city regulations changed. She and some community members have been lobbying to change their rules. When we pull together, we can make change for our community. 5) Thanked Dr. Potter and staff for the Board Workshop. We are working with Mr. Acevedo

to develop our long range facilities master plan. This is major as we move forward with our bond resolution. She feels positive about it but would like feedback from the community. 6) The Board is here to support the children in any way they can. 7) Wished everyone a Happy Thanksgiving.

Vice-President Gurmilan, Commented: 1) Thanked Mr. Bojorquez for hosting the Board Meeting. 2) He was touched by the student that is helping the homeless. That's an example of true values and the things our students are learning at our schools. 3) Acknowledged our maintenance crew for the work they are doing to make our facilities better and safer. 4) The Board has attended workshops and events with other school districts and we are getting a lot of positive feedback about San Ysidro. Commended staff, teachers and PTAs for working together to showcase the great things that are happening in this District. 5) Thanked staff for the good job they did hosting the Legislative staff from Sacramento. He thinks they went back with a great idea about what is happening in our District and an understanding of some of our challenges. 6) He's encouraged with the direction the District is headed. We are going to have a great District in the near future. 7) Wished everyone a Happy Thanksgiving.

Superintendent Potter, Commented : 1) The Board held a workshop with three interesting topics; G.O. Bond, Budget and School Safety. 2) We have two General Obligation (G.O.) Bond Resolutions on the Board agenda and are excited to have an opportunity to look at our facility needs and housing developments that may need schools. Eighty-three percent of our voters support the District in moving forward with the G.O. Bond measures. 3) Thanked Marilyn Adrianzen, CBO, for presenting the budget. 4) The Board participated in a site safety tour. Thanked the Board for putting safety as a priority. 5) Acknowledged Board President Irene Lopez for graduating from the CSBA Master's In Governance Program. 6) Announced the Casa Familiar Community Thanksgiving Dinner on November 21, 2019. 7) Thanked the leaders of the SYMS Visioneering Committee. 8) Thanked Veronica Medina for taking our students to the OneSight Clinic for free eye exams and glasses and for bringing agencies to partner with our school District to support our homeless students. 9) Wished everyone a Happy Thanksgiving.

12. CONFERENCE SESSION

Reports/Presentations

- 12.1 State of Voluntary Employees Benefits Association (VEBA) Presentation - General Manager, Marketing, Sales and Product Development, A Gallagher Company - Laura Josh
- 12.2 San Ysidro School District Parent Handbook - Executive Director of Curriculum, Instruction & Innovation, Manuela Colom
- 12.3 San Ysidro School District Positive Student Discipline Plan - Executive Director of Curriculum, Instruction & Innovation, Manuela Colom

13. GENERAL ADMINISTRATION

13.1 MINUTES

The Board approved the minutes of the Regular Board Meeting of October 10, 2019 and minutes of the Special Board Meeting of October 28, 2019.

Motion: Gurmilan Second: R. Lopez Vote: Unanimous

13.2 RESOLUTION NO. 19/20-0021 (Adrianzen)

The Board approved Resolution No. 19/20-0021 ordering a bond election on March 3, 2020 for School Bond Measure 1 and Establishing Specifications of the Election Order for general obligation bonds in an amount up to \$52,985,000.

Motion: Martinez Second: R. Lopez Vote: Unanimous

13.3 RESOLUTION NO. 19/20-0022 (Adrianzen)

The Board approved Resolution No. 19/20-0022 ordering a bond election on March 3, 2020 for School Bond Measure 2 and Establishing Specifications of the Election Order for general obligation bonds in an amount up to \$55,500,000.

Motion: R. Lopez Second: Gurmilan Vote: Unanimous

13.4 ORGANIZATIONAL MEETING (Potter)

The Board approved Thursday, December 19, 2019, at 5:00 p.m. in the Multicultural Complex at San Ysidro Middle School as the date, time and place for the annual Organizational Meeting of the Governing Board per Education Code section 35143.

Motion: I. Lopez Second: R. Lopez Vote: Unanimous

13.5 RESOLUTION NO. 19/20-0023 (Adrianzen/Azevedo)

The Board approved Resolution No. 19/20-0023 authorizing the call to climate change action and requesting the Governing Board to issue said notes.

Motion: Martinez Second: R. Lopez Vote: Unanimous

14. CONSENT CALENDAR

The Board approved the Consent Calendar:

Motion: Pallasigue Second: R. Lopez Vote: Unanimous

14A. PERSONNEL - CLASSIFIED

EMPLOYMENT (L. Gonzales)

The Board approved the employment for the following as recommended by staff:

- 14A.1 Campus Aides
- 14A.2 Substitute Campus Aides
- 14A.3 Substitute Campus Security
- 14A.4 Substitute Clerks
- 14A.5 Substitute Custodians
- 14A.6 Substitute Instructional Aides

RESIGNATION (L. Gonzales)

The Board approved/ratified the resignations for the following as recommended by staff:

- 14A.7 Information Systems Analyst

LEAVE OF ABSENCE (L. Gonzales)

The Board approved/ratified the leave of absence without pay for the following as recommended by staff:

- 14A.8 Child Nutrition Specialist

14B. PERSONNEL – CERTIFICATED

EMPLOYMENT (L. Gonzales)

The Board approved the employment for the following as recommended by staff:

- 14B.1 Resource Specialist
- 14B.2 Substitute Teachers

14B.3 Substitute Permit Teachers**RESIGNATION** (L. Gonzales)

The Board approved the resignation for the following as recommended by staff:

14B.4 School Psychologist**14C. CURRICULUM & INSTRUCTION****14C.1 STUDENT PARTICIPATION IN THE ELEMENTARY SCIENCE FIELD DAY**

The Board approved the students and Sci-Phy teachers' participation in the events for the Elementary Science Field Day scheduled for November 13, 2019, February 12, 2020 and May 16, 2020 at the cost of \$2,400.00 from the Supplemental and Concentration Fund.

14C.2 STUDENT PARTICIPATION AT THE "SHOP WITH A COP" EVENT -WILLOW SCHOOL

The Board approved the student participation to the "Shop with a Cop" event for approximately 8 students, 1 teacher and 1 adult chaperone from Willow School, which will take place in San Diego on December 7, 2019 at no cost to the District.

14D.3 PURCHASE OF CHROMEBOOKS AND CARTS FOR MIDDLE SCHOOL STUDENTS TO SUPPORT THE NEXT GENERATION SCIENCE PILOT PROCESS (Colom)

The Board approved the purchase of 210 Chromebooks from CDW-G and 7 Chromebook carts from Datel Systems, Incorporated for students from San Ysidro Middle and Vista Del Mar Middle Schools support the Science pilot process at the total cost of \$66,667.37 from the Supplemental and Concentration fund.

14C.4 PROFESSIONAL DEVELOPMENT (Colom)

The Board approved/ratified the attendance and participation of District staff to the different Professional developments, as scheduled:

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Omar Calleros, Amber Elliott, Marta Rodriguez	ASES, ASSETS & 21st CCLC Grant and Fiscal Management Training	SDCOE	November 6, 2019 -Date Changed-	\$0	No Cost
Evelyn Zarzosa, Veronica Medina	State of Hunger Luncheon	San Diego	November 15, 2019	\$70.00 + mileage	CNS & McKinney- Vento Fund
Manuela Colom, Irene Lopez, Rudy Lopez, Rosaleah Pallasigue	2019 CABE Mini Conference	Chula Vista	November 9, 2019	\$400.00	General Fund
Omar Calleros	Theory of Action Workshop	SDCOE	October 18, 2019	\$0	No Cost
Daniel Camberos, Moises Camberos, Ernesto Marquez, Gianfranco Fimbres	The 2019 Landscape Expo	Long Beach	October 24, 2019	\$120.00	General Fund

Kathleen Cordero, Shafali Chaufman, Araceli Flores, Elizabeth Stratton, Genevieve Boulais, Sarah Borron-Trotter, Kara Hutchinson, Mary Davis	Communication Severity Scales (CSS)	SDCOE	December 2, 2019	\$960.00	Special Education Fund
Oscar Madera, Denise Villezcas, Rick Quintana, Sashanae Buchanan, Christian Bockenbauer, Karina Victorino	Mental Health in Schools Convening	SDCOE	October 25, 2019	\$0	No Cost
Marjorie Palacios	Play & Language: The Roots of Literacy	Anaheim, CA	November 7, 2019	\$249.99	To be paid by participant
Marjorie Palacios	Executive Function in Kids & Teens Who are Smart but Scattered	San Diego	Dec. 11-12, 2019	\$499.99	To be paid by participant
Kathleen Cordero, Denise Villezcas	MTSS Community of Practice	Clairemont Mesa	November 1, 2019 January 1, 2020 March 20, 2020 May 15, 2020	\$0	No Cost
Omar Calleros	Build Our Kids' Success (boks) Training of Trainers	San Diego	October 17, 2019	\$0	No Cost
Raiza Belarmino	Learning Without Tears Workshops	San Diego	November 22-23, 2019	\$525.00	Special Education
Adriana Aguilar, Luis Ramos	2019-20 CAASPP/ELPAC Pretest Workshop	SCREC	January 28, 2020	Mileage	General Fund
Adriana Garcia, Maida Gonzalez, Veronica Aguayo, Rodrigo Amezcua, Rafael Estrada, Nirvana Bustos, Marisela Gonzalez	2019 Annual Summit on Student Engagement and Attendance	San Diego	October 28, 2019	\$0	No Cost

Daniel Camberos	Rain Bird Academy Irrigation Training	Las Vegas	December 11-13, 2019	\$1,064.95	General Fund
Guillermina Sandez	CADA State Convention/FCM AT ASB Finance	Reno, NV	March 4-7, 2020	\$1,200.00	General Fund
Cynthia Gonzalez, Sara Almeida, Elizabeth Originales	InterDistrict Transfer Essentials	SDCOE	January 16, 2020	Mileage	General Fund
Todd Lewis	CTO Technical Meeting	SDCOE	November 7, 2019	\$0	No Cost

14D. BUSINESS

14D.1 PURCHASING REPORT (Adrianzen)

The Board approved/ratified the following purchase orders incurred by the District during the period September 24, 2019 through November 1, 2019.

14D.2 EXPENDITURE REPORT (Adrianzen)

The Board approved/ratified the expenditures incurred by the District during the period of September 25, 2019 through November 4, 2019 for a total expenditure of \$1,427,662.83.

14E.3 ACCEPTANCE OF DONATIONS (Adrianzen)

The Board accepted donations valued at \$3,999.00 to help support and enrich our educational programs.

14D.4 MEMORANDUM OF AGREEMENT WITH THE COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY AND THE SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS - TRANSPORTATION SERVICES FOR FOSTER YOUTH (Colom/Medina)

The Board approved/ratified the Memorandum of Agreement with the County of San Diego Health and Human Services Agency and the San Diego County Superintendent of Schools for transportation services to support Foster Youth on an "as needed" basis. Any costs incurred by the District will be paid from the Supplemental and Concentration fund.

14D.5 AGREEMENT WITH REENA B. PATEL (Colom/Madera)

The Board approved/ratified the Agreement with Ms. Reena B. Patel to conduct a Functional Behavior Assessment, and provide consultative services at a cost up to \$5,500.00 from the Special Education fund.

14D.6 AGREEMENT WITH CALIFORNIA YACHT MARINA- CHULA VISTA, LLC (Colom/Rodriguez)

The Board approved the License Agreement with the California Yacht Marina-Chula Vista, LLC to occupy and use the Larue C. Thomas Bayside Pavilion for the San Ysidro Middle School's 8th grade dance to be held on Tuesday, May 21, 2020 at an estimated cost of \$1,500.00 from the San Ysidro Middle School's ASB funds.

14D.7 CALIFORNIA STATE PRESCHOOL PROGRAM (CSPP) CONTRACT -AMENDMENT NO. 1 (Colom/Reed)

The Board approved Amendment No. 1 to the California State Department of Education Contract No. CSPP-9470 for the Preschool & Child Development Programs fiscal year 2019-2020 adding contract language to include the San Diego County Pilot Plan as approved by the California Department of

Education and increasing the maximum reimbursable amounts from \$1,344,273.00 to \$1,388,213.00.

14D.8 AGREEMENT WITH SAN DIEGO STATE UNIVERSITY - AMENDMENT (Farkas/Gonzales)
The Board approved the agreement with San Diego State University to partner in development of college Psychology students.

14D.9 AGREEMENT WITH TERRI A. SATHER (Adrianzen/Azevedo)
The Board approved/ratified the agreement with Terri A. Sather to provide school bus safety and training services from September 15, 2019 to October 16, 2019 at a cost of \$1,275.00 from the General fund.

14D.10 PURCHASE OF LENOVO TECHNOLOGY EQUIPMENT - COMPUTERS (Colom/Lewis)
The Board approved the purchase of the 2,020 leased computers from Lenovo Financial Services at a cost of \$252,742.17 from the Supplemental & Concentration fund. Computers are located at all sites and departments.

14D.11 AGREEMENT WITH ACADEMICOGNITIVE CONNECTIONS -AMENDMENT (Colom/Madera)
The Board approved/ratified the amendment to the agreement with AcademiCognitive Connections to provide independent psycho-educational assessments for students with special needs for school year 2019-2020 at a cost up to \$7,700.00 from the Special Education fund.

14D.12 SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACTS WITH NONPUBLIC AGENCIES FOR 2019-2020 SCHOOL YEAR (AMENDMENT) (Colom/Madera)
The Board approved/ratified the Amendments to the San Diego County Nonpublic Master Contracts for the Nonpublic Agencies to provide specialized services for the 2019-2020 school year at an estimated annual cost of \$987,192.00 from the Special Education fund.

14D.13 AGREEMENT WITH WESTED FOR SCHOOL YEAR 2019-2020 (Colom/Madera)
The Board approved/ratified the agreement with WestEd to conduct a review of data for Special Education at a cost up to \$22,000.00 from the Special Education fund.

14D.14 AGREEMENT WITH CREATIVE BUS SALES FOR THE “PIGGYBACK” PURCHASE OF A NEW WHEELCHAIR ACCESSIBLE VAN (Adrianzen)
The Board approved the agreement with Creative Bus Sales for the purchase of one new school van via a “Piggyback” agreement with South County Support Services Agency Bid No. 1819-SC11-01 at an estimated cost of \$62,905.83 from the General fund.

14D.15 AGREEMENT WITH AGUILAR ARCHITECTS FOR POST CONSTRUCTION SERVICES – AMENDMENT NO. 4 (Adrianzen/Azevedo)
The Board approved Amendment No. 4 to the Aguilar Architects Agreement for Post Construction items that require attention for Division of the State Architect (DSA) closeout of the La Mirada and Smythe Modernization Projects in an amount up to \$9,500.00 from the General fund.

14D.16 AGREEMENT WITH THE CALIFORNIA SCHOOL BOARDS ASSOCIATION (CSBA) FOR GAMUT POLICY PLUS FOR 2019-2020 (Potter)
The Board approved the agreement with California School Boards Association (CSBA) for Gamut Policy Plus for 2019-2020 at an approximate cost of \$3,175.00 from the General fund.

14D.17 MEMORANDUM OF UNDERSTANDING WITH CATHOLIC CHARITIES FOR FOSTER GRANDPARENT PROGRAM (Colom/Reed)
The Board approved the agreement and addendum with Catholic Charities for the Foster Grandparent Program that will be in effect from January 1, 2020 through December 31, 2020 at a cost up to \$4,380.00 from the Preschool’s donation account.

14D.18 DISPOSAL OF 2018-19 INITIAL ENGLISH LANGUAGE PROFICIENCY ASSESSMENT OF CALIFORNIA (ELPAC) SECURE TEST MATERIALS (Colom)

The Board approved the destruction of Initial English Language Proficiency Assessments for California (ELPAC) testing materials related to the Educational Services Department dated from July 2018 – June 2019.

14D.19 AGREEMENT WITH MANO-A-MANO FOUNDATION (Colom/Bojorquez)

The Board approved the agreement with Mano-a-Mano Foundation for parent educational workshops at Willow School during the months of January through March 2020 at a cost up to \$4,000.00 from Title I funds.

14D.20 AGREEMENT WITH AMERICAN FIDELITY (Adrianzen)

The Board approved/ratified the agreement with American Fidelity to be the service provider for the Section 125 Flexible Benefit Plan from January – December, 2020.

14D.21 AGREEMENT WITH TOM SILVA CONSULTING (Adrianzen/Azevedo)

The Board approved the agreement with Tom Silva Consulting for Construction Management Services on an “as needed” basis at an hourly rate of \$150.00 and at an amount not to exceed \$15,000.00.

14D.22 AGREEMENT WITH KEYANALYTICS (Adrianzen)

The Board approved the agreement with KeyAnalytics to prepare the Annual & Five Year Developer Fee Report for 2018-19 at a cost up to \$4,000.00 from the General fund.

Member Pallasigue made the motion to adjourn, seconded by Clerk Martinez. The vote was unanimous.

15. ADJOURNMENT Time: 7:54 p.m.

Respectfully Submitted,

Gina A. Potter, Ed.D., Secretary
Governing Board

SAN YSIDRO SCHOOL DISTRICT
4350 Otay Mesa Road San Ysidro, CA 92173
Phone Number: (619) 428-4476 Fax Number: (619) 428-1505

SPECIAL MEETING OF THE GOVERNING BOARD
THURSDAY, NOVEMBER 14, 2019
2:00 p.m.

Pursuant to Government Code Section 54956 and Education Code Section 35144, the Special Meeting of the Governing Board was held on Thursday, November 14, 2019 at 2:00 p.m., and conducted its business meeting at **Willow School - Library, 226 Willow Road, San Ysidro, CA 92173.**

MINUTES

1. CALL TO ORDER Who: President I. Lopez Time: 2:07 p.m.

2. ROLL CALL by Gina A. Potter, Ed.D., Superintendent & Secretary to the Board
Mrs. Irene Lopez, Board President
Mr. Humberto Gurmilan, Board Vice-President
Mr. Antonio Martinez, Board Clerk - *Arrived at 3:18 p.m.*
Mr. Rudy Lopez, Member
Mrs. Rosaleah Pallasigue, Member – *Arrived at 2:10 p.m.*

3. FLAG SALUTE by Irene Lopez, Board President

4. AGENDA

The Board approved the agenda for the meeting.

Motion: Gurmilan Second: R. Lopez Vote: 3-0

5. PUBLIC COMMENT/COMMUNICATIONS ON CLOSED SESSION ITEMS

There were no public comments.

Vice-President Gurmilan made the motion to recess to Closed Session, seconded by Member R. Lopez. The vote was 3-0.

6. GOVERNING BOARD – RECESSED to CLOSED SESSION at 2:09 p.m. in accordance with section 54954.5 regarding:

**6.1 GOVERNMENT CODE SECTION 54957.6
CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiators: David Farkas, Executive Director of Human Resources

Employee Organizations:

San Ysidro Education Association/CTA

California School Employees Association, Chapter 154

Unrepresented:

Administrators, Classified Management, Confidential/Supervisory

RECONVENED into OPEN SESSION at 3:00 p.m. to take action on items discussed in closed session, or to make disclosures of action taken in closed session, if any, as required by Government Code section 54957.7 and section 54957.1.

The Board had nothing to report from Closed Session.

7. PUBLIC COMMENT/COMMUNICATIONS ON OPEN SESSION ITEMS

PLEASE SUBMIT PUBLIC COMMENT FORMS PRIOR TO START OF MEETING

Per Board Policy #9323, three (3) minutes may be allotted to each speaker and five (5) minutes for organizations to address **all of their items**. If translation services are required, please state that, and an additional one (1) minute will be allotted. **Approach the lectern and give your name.**

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Those who have a group concern are encouraged to select a spokesperson to address the Board. A copy of the full agenda is available for view at the Superintendent's Office located at 4350 Otay Mesa Road, San Ysidro, California. Also, at the district website: www.sysdschools.org.

There were no public comments.

8. GENERAL ADMINISTRATION

8.1 BOARD GOVERNANCE WORKSHOP

The Board reviewed the following topics:

- General Obligation (GO) Bond 2020 Election by Financial Advisor, Dale Scott & Bond Legal Counsel, Bob Whalen
- Budget by Chief Business Official, Marilyn Adrianzen
- School Safety & Willow Safety Walk by Director of Maintenance, Operations, Transportation and Facilities (MOTF) - Paulo Azevedo

Clerk Martinez made the motion to adjourn, seconded by Member Pallasigue. The vote was unanimous.

9. ADJOURNMENT Time: 4:45 p.m.

Respectfully Submitted,

Gina A. Potter, Ed.D., Secretary
Governing Board

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Gina A. Potter, Ed.D.
Superintendent

INITIAL: GP
 Informational
 Action

AGENDA ITEM: DATE, TIME AND PLACE OF GOVERNING BOARD MEETINGS

BACKGROUND INFORMATION:

Education Code Section 35140 requires that the governing board of any school district shall by rule and regulation fix the time and place for its regular meetings.

RECOMMENDATION:

Approve the regular Governing Board meetings from January through December 2020 at 5:00 p.m., at the District Office and at each school at least once a year.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: mm

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter
Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



San Ysidro
School District EST - 1887
QUALITY EDUCATION AND OPPORTUNITY FOR ALL STUDENTS TO SUCCEED

Governing Board Meeting Schedule
January – December 2020
5:00 p.m.

January 23, 2020	La Mirada School
February 13, 2020	Sunset School
March 12, 2020	Smythe School
April 16, 2020	Vista Del Mar Middle School
May 14, 2020	La Mirada School
June 18, 2020	Smythe School
June 25, 2020	District Office
July 16, 2020	District Office
August 13, 2020	District Office
September 17, 2020	San Ysidro Middle School
October 15, 2020	Ocean View Hills School
November 12, 2020	Willow School
December 17, 2020	San Ysidro Middle School

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

INITIAL: *GAP*
 Informational
 Action

AGENDA ITEM: 2020 CSBA DELEGATE ASSEMBLY NOMINATIONS

BACKGROUND INFORMATION:

The San Ysidro School District is a member of the California School Boards Association (CSBA). CSBA is a nonprofit education association representing the elected officials who govern public school districts and county offices of education.

The Delegate Assembly is a vital link in the association's governance and sets the general policy direction for the association. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association promotes the interests of school districts and county offices of education throughout the state.

Annually, CSBA in accordance with its Bylaws, begins the process of developing the membership of its Delegate Assembly. These Delegate Assembly nominations must be made by Governing Boards within their geographical region or subregion. Region 17, San Diego County, has seven vacancies. Delegate Assembly members are elected at large from all of the nominations received by their geographical region or subregion. Nominations are to be submitted by January 7, 2020.

RECOMMENDATION:

Nominate, in accordance with CSBA Bylaws, Board members in Region 17 as candidates for election to the CSBA Delegate Assembly 2020-2022.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



IF NOMINATING, BOARD ACTION REQUIRED
DEADLINE for NOMINATIONS: Tuesday, January 7, 2020

October 25, 2019

MEMORANDUM

To: CSBA Member Boards
From: Dr. Emma Turner, President
Re: Call for Nominations to CSBA's Delegate Assembly

Each year, member boards elect representatives to the California School Boards Association's Delegate Assembly. The Delegate Assembly is a vital link in the Association's governance and sets the general policy direction. Working with member boards, the Board of Directors, and Executive Committee, Delegates ensure that the Association promotes the interests of California's school districts and county offices of education. Delegates serve a two-year term beginning April 1, 2020 through March 31, 2022. There are two required Delegate Assembly meetings each year. In 2020, the dates are May 16-17 in Sacramento and Dec 2-3 in Anaheim.

Nominations and biographical sketch forms for CSBA's Delegate Assembly are now being accepted until Tuesday, **January 7, 2020**. The nomination process is as follows:

- Any CSBA member board is eligible to nominate board members within their own geographical region or subregion. For example, a board in Subregion A, cannot nominate a board member from Subregion B; both must be from same subregion. For region #, see "CSBA REGION INDEX FOR DISTRICTS & COES" document.
- Member Boards eligible to appoint a member of their board to the Delegate Assembly may also nominate board members to run for election to the Delegate Assembly.
- Boards eligible to appoint must do so by January 7, 2020. A separate communication from CSBA regarding these appointments will be sent to boards by November 1.
- Nominating boards must submit a separate form for each person nominated.
- All nominees must serve on a CSBA member board and must give their approval prior to being nominated.
- All nominees must submit a one-page, single-sided biographical sketch form. An optional one-page, one-sided résumé may be submitted.
- It is the nominee's responsibility to confirm that all nomination materials have been received by the deadline. Late submissions cannot be accepted. Please choose only one of the following methods to submit required documents by Tuesday, January 7, 2020:
 - E-mail to nominations@csba.org by 11:59 p.m.
 - Fax to (916) 371-3407 by 11:59 p.m.
 - Postmarked by U.S.P.S. no later than Tues., January 7, 2020

All nomination and election materials are available electronically only. You may access the materials and download the forms at www.csba.org/ElectiontoDA. Please contact the Executive Office at (800) 266-3382 should you have questions. Thank you.

Region 17

County: San Diego

The following is a list of all delegates whose terms expire in 2020. They are up for re-election and must be nominated by a CSBA member district.

Barbara Avalos	(National SD)
Blanca Brown	(Lemon Grove SD)
Brian Clapper	(National SD)
Eleanor Evans	(Oceanside USD)
Laurie Humphrey	(Chula Vista ESD)
Claudine Jones	(Carlsbad USD)
Elva Salinas	(Grossmont Union HSD)
Debra Schade	(Solana Beach ESD)
Marla Strich	(Encinitas Union ESD)
Cipriano Vargas	(Vista USD)

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

INITIAL: *MW*
 Informational
 Action

AGENDA ITEM: FIRST INTERIM FINANCIAL REPORT FOR 2019-20

BACKGROUND INFORMATION:

AB 1200 requires local educational agencies (LEAs) to file Interim Reports of their annual budget as of October 31 and January 31 respectively. LEAs must collect the financial data for these reporting periods and project the financial conditions of the current and two subsequent fiscal years. Based on the projected financial conditions, the LEAs will certify the Interim Report in one of the following three categories:

- Positive – the school district **will** meet its financial obligations for the current and two subsequent fiscal years
- Qualified – the school district **may not** meet its financial obligations for the current and two subsequent fiscal years
- Negative – the school district **will not** meet its financial obligations for the current and two subsequent fiscal years

Please note that Education Code sections 42130 and 42131 require that Interim Reports be submitted to the Governing Board on the SACS forms, the format prescribed by the State Superintendent of Public Instruction. Per the Education Codes indicated above, the District hereby submits the 2019-20 First Interim Report with a Qualified Certification for Governing Board review and approval. (REPORT UNDER SEPARATE COVER)

The 2019-20 First Interim Report will be available to the public on the District’s website after Governing Board’s approval.

RECOMMENDATION:

Approve 2019-20 First Interim Financial Report.

LCAP GOAL AND ACTION/SERVICE (please indicate):

<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amendment	<input type="checkbox"/> Ratify	<input type="checkbox"/> Other	Business Services Reviewed: <i>MW</i>
Financial Implications?		Are funds for this item available in the 2019-2020 Budget?			Requisition #
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
N/A (Amount)		N/A (Name of funding source and/or location)			

Recommended for: Approval Denial Certification Requested Yes No

Superintendent’s Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: REVISED SUBSTITUTE SALARY SCHEDULE

BACKGROUND INFORMATION:

Administration recommends updating the substitute salary schedule to comply with the minimum wage law.

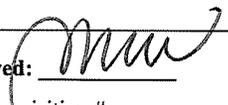
RECOMMENDATION:

Approve the revised substitute salary schedule to be consistent with the City of San Diego minimum wage update.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal #1: Student Achievement – 1.5 Staffing

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

TBD

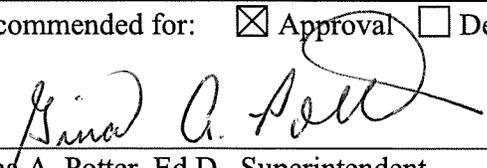
(Amount)

General

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**SAN YSIDRO SCHOOL DISTRICT
SUBSTITUTE SALARY SCHEDULE**

CLASSIFICATION	HOURLY RATE	
AVID Tutors	\$ 12.00 13.00	effective Nov 2016 Dec 2019
Substitute Campus Aides	\$ 12.00 13.00	effective Jan Dec 2019
Substitute Bus Drivers	\$17.13	effective Nov 2015
Substitute Campus Security	\$16.87	effective Nov 2017
Substitute Clerks	\$13.36	effective Jan 2009
Substitute Custodians	\$14.62	effective Jan 2009
Substitute Child Nutrition Specialists	\$ 12.11 13.00	effective Jan 2009 Dec 2019
Substitute Gardeners	\$14.62	effective Jan 2009
Substitute Instructional Aides	\$ 12.00 13.00	effective Jan Dec 2019
Substitute Maintenance Worker	\$16.74	effective Jan 2009
Substitute Permit Teachers	\$15.00	effective Mar 2002
Substitute Publication Technicians	\$20.19	effective Oct 2017
Substitute Teacher	\$143 a day after the 11th day in same assignment \$158	effective Nov 2015

*Revised 4-17-15; 10-23-15; 11-01-15; 11-10-17; 02-21-19, 12-19-19

SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

INITIAL: *GP*
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICIES AND ADMINISTRATIVE REGULATIONS – 0000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is a list of Board Policies (BP) and Administrative Regulations (AR) that are being revised:

- BA/AR 0460 – Local Control and Accountability Plan
- BP 0520.1 – Comprehensive and Targeted Support and Improvement (New)

RECOMMENDATION:

Approve the first reading of revised Board Policies and Administrative Regulations – 0000 series.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: *mmw*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

(Amount)

(Name of funding source and/or location)

(Funding account number)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina/A. Potter, Ed.D., Superintendent
Secretary to the Board

Revisions to Board Policies/Administrative Regulations
December 2019
0000 Series

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP/AR 0460 - Local Control and Accountability Plan

(BP/AR revised)

Policy updated to delete the section on "Technical Assistance/Intervention," as that material is now addressed in BP 0520 - Intervention for Underperforming Schools. Paragraph added to generally address actions that may be taken whenever a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the local control and accountability plan (LCAP). Regulation updated to reflect **NEW LAW (AB 1240)** which adds, as a measure of student achievement, the percentage of students who have successfully completed both college entrance courses and career technical education courses.

BP 0520.1 - Comprehensive and Targeted Support and Improvement

(BP added)

New policy addresses the state's accountability system, developed in response to federal Title I requirements, to provide interventions to schools identified by CDE for CSI, TSI, or ATSI. Policy includes criteria for the identification of schools, requirements for a school improvement plan, and actions to be taken if implementation of the school plan is unsuccessful after a specified period of years.

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. (Education Code 52052)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6173 - Education for Homeless Children)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFF budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 6020 - Parent Involvement)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

(cf. 0430 - Comprehensive Local Plan for Special Education)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071)

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

The Superintendent or designee shall seek and/or accept technical assistance or other intervention that may be required pursuant to Education Code 52071 or 52072 when a school or a numerically significant student subgroup is not making sufficient progress toward the goals in the LCAP.

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)*Legal Reference:*EDUCATION CODE

305-306 *English language education*
 17002 *State School Building Lease-Purchase Law, including definition of good repair*
 33430-33436 *Learning Communities for School Success Program; grants for LCAP implementation*
 41020 *Audits*
 41320-41322 *Emergency apportionments*
 42127 *Public hearing on budget adoption*
 42238.01-42238.07 *Local control funding formula*
 44258.9 *County superintendent review of teacher assignment*
 47604.33 *Submission of reports by charter schools*
 47606.5 *Charter schools, local control and accountability plan*
 48985 *Parental notices in languages other than English*
 51210 *Course of study for grades 1-6*
 51220 *Course of study for grades 7-12*
 52052 *Numerically significant student subgroups*
 52059.5 *Statewide system of support*
 52060-52077 *Local control and accountability plan*
 52302 *Regional occupational centers and programs*
 52372.5 *Linked learning program*
 54692 *Partnership academies*
 60119 *Sufficiency of textbooks and instructional materials; hearing and resolution*
 60605.8 *California Assessment of Academic Achievement; Academic Content Standards Commission*
 64001 *School plan for student achievement*
 99300-99301 *Early Assessment Program*

WELFARE AND INSTITUTIONS CODE

300 *Dependent child of the court*

CODE OF REGULATIONS, TITLE 5

4600-4670 *Uniform complaint procedures*
 15494-15497 *Local control and accountability plan and spending requirements*

UNITED STATES CODE, TITLE 20

6311 *State plan*
 6312 *Local educational agency plan*
 6826 *Title III funds, local plans*

Management Resources continued: (see next page)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

Local Control and Accountability Plan and Annual Update (LCAP) Template

Family Engagement Framework: A Tool for California School Districts, 2014

California Career Technical Education Model Curriculum Standards, 2013

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS (continued)

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

California School Dashboard: <http://www.caschooldashboard.org>

(10/17 12/18) 10/19

Policy
Adopted:
Revised:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Board of Education desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0415 - Equity)

The Board shall adopt a districtwide local control and accountability plan (LCAP), based on the template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and two subsequent fiscal years. (Education Code 52060, 52064; 5 CCR 15494-15497)

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth, as defined in Education Code 42238.01 for purposes of the local control funding formula (LCFF). (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students, when there are at least 30 students in the subgroup or at least 15 foster youth or homeless students. (Education Code 52052)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6173 - Education for Homeless Children)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

As part of the LCAP adoption and annual update to the LCAP, the Board shall separately adopt an LCFE budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 6020 - Parent Involvement)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)**Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners to review and comment on the LCAP. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

(cf. 0430 - Comprehensive Local Plan for Special Education)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

Adoption of the Plan

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

Not later than five days after adoption of the LCAP, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP, the Board shall accept technical assistance from the County Superintendent focused on revising the plan so that it can be approved. (Education Code 52071)

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reports on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

(cf. 0500 - Accountability)

Technical Assistance/Intervention

At its discretion, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in identifying district strengths and weaknesses in regard to state priorities, which includes the review of performance data on the state and local indicators included in the Dashboard and other relevant local data, and in identifying effective, evidence-based programs or practices that address any areas of weakness.
2. Assistance from an academic, programmatic, or fiscal expert, or team of experts, in identifying and implementing effective programs and practices that are designed to improve performance in any identified areas of weakness. The district may engage other service providers, including, but not limited to, other school districts, county offices of education, or charter schools, to provide such assistance.

In the event that the County Superintendent requires the district to receive technical assistance based on one or more numerically significant student subgroups meeting the criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent, or another service provider at district expense, and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

1. Revision of the district's LCAP
2. Revision of the district's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Legal Reference: (see next page)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Legal Reference:

EDUCATION CODE

305-306 English language education

17002 State School Building Lease-Purchase Law, including definition of good repair

33430-33436 Learning Communities for School Success Program; grants for LCAP implementation

41020 Audits

41320-41322 Emergency apportionments

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

64001 Single plan for student achievement

99300-99301 Early Assessment Program

WELFARE AND INSTITUTIONS CODE

300 Dependent child of the court

CODE OF REGULATIONS, TITLE 5

15494-15497 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20

6312 Local educational agency plan

6826 Title III funds, local plans

Management Resources: (see next page)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

The California School Dashboard and Small Districts, October 2018

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

California School Dashboard

LCFF Frequently Asked Questions

Local Control and Accountability Plan and Annual Update (LCAP) Template

Family Engagement Framework: A Tool for California School Districts, 2014

California Career Technical Education Model Curriculum Standards, 2013

California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, rev. 2013

California Common Core State Standards: Mathematics, rev. 2013

California English Language Development Standards, 2012

WEB SITES

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

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

California School Dashboard: <http://www.caschooldashboard.org>

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN**Goals and Actions Addressing State and Local Priorities**

The district's local control and accountability plan (LCAP) and annual updates shall include, for the district and each district school: (Education Code 52060)

1. A description of the annual goals established for all students and for each numerically significant subgroup as defined in Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. The LCAP shall identify goals for each of the following state priorities:

- a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

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

- b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Learners)

- c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6020 - Parent Involvement)

(cf. 6173.1 - Education for Foster Youth)

- d. Student achievement, as measured by all of the following as applicable:

- (1) Statewide assessments of student achievement

LOCAL CONTROL AND ACCOUNTABILITY PLAN

- (2) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
- (3) The English learner reclassification rate

(cf. 0500 - Accountability)
(cf. 6141.5 - Advanced Placement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6178 - Career Technical Education)

- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6146.1 - High School Graduation Requirements)

- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

(cf. 5137 - Positive School Climate)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

(cf. 6143 - Courses of Study)
(cf. 6159 - Individualized Education Program)

- h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

- 2. Any goals identified for any local priorities established by the Board.

(cf. 0200 - Goals for the School District)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

To the extent practicable, data reported in the LCAP shall be reported in a manner consistent with how information is reported on the California School Dashboard. (Education Code 52060)

Increase or Improvement in Services for Unduplicated Students

The LCAP shall demonstrate how the district will increase or improve services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. (5 CCR 15494-15496)

When the district expends supplemental and/or concentration grant funds on a districtwide or schoolwide basis during the year for which the LCAP is adopted, the district's LCAP shall: (5 CCR 15496)

1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Availability of the Plan

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, and the LCFF budget overview for parents/guardians on the homepage of the district's web site. (Education Code 52064.1, 52065)

(cf. 1113 - District and School Web Sites)

(10/17 12/18) 10/19

Regulation
Adopted:
Revised:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0460(a)

LOCAL CONTROL AND ACCOUNTABILITY PLAN**Goals and Actions Addressing State and Local Priorities**

The district's local control and accountability plan (LCAP) and annual updates shall include, for the district and each district school: (Education Code 52060)

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- a. The degree to which district teachers are appropriately assigned in accordance with Education Code 44258.9 and fully credentialed in the subject areas and for the students they are teaching; every district student has sufficient access to standards-aligned instructional materials as determined pursuant to Education Code 60119; and school facilities are maintained in good repair as specified in Education Code 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3517 - Facilities Inspection)
(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

- b. Implementation of the academic content and performance standards adopted by the State Board of Education (SBE), including how the programs and services will enable English learners to access the Common Core State Standards and the English language development standards for purposes of gaining academic content knowledge and English language proficiency

(cf. 6011 - Academic Standards)
(cf. 6174 - Education for English Learners)

- c. Parent/guardian involvement and family engagement, including efforts the district makes to seek parent/guardian input in district and school site decision making and how the district will promote parent/guardian participation in programs for unduplicated students, as defined in Education Code 42238.02 and Board policy, and students with disabilities

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6020 - Parent Involvement)
(cf. 6173.1 - Education for Foster Youth)

- d. Student achievement, as measured by all of the following as applicable: **16.6**

- (1) Statewide assessments of student achievement

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

- (2) The percentage of students who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with SBE-approved career technical education standards and frameworks, including, but not limited to, those described in Education Code 52302, 52372.5, or 54692, if applicable
- (3) The percentage of English learners who make progress toward English proficiency as measured by the SBE-certified assessment of English proficiency
- (4) The English learner reclassification rate
- (5) The percentage of students who have passed an Advanced Placement examination with a score of 3 or higher, if applicable
- (6) The percentage of students who demonstrate college preparedness in the Early Assessment Program pursuant to Education Code 99300-99301, if applicable.

(cf. 0500 - Accountability)
(cf. 6141.5 - Advanced Placement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6178 - Career Technical Education)

- e. Student engagement, as measured by school attendance rates, chronic absenteeism rates, middle school dropout rates, high school dropout rates, and high school graduation rates, as applicable

(cf. 5113.1 - Chronic Absence and Truancy)
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- f. School climate, as measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable

(cf. 5137 - Positive School Climate)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

- g. The extent to which students have access to and are enrolled in a broad course of study that includes all of the subject areas described in Education Code 51210 and 51220, as applicable, including the programs and services developed and provided to unduplicated students and students with disabilities, and the programs and services that are provided to benefit these students as a result of supplemental and concentration grant funding pursuant to Education Code 42238.02 and 42238.03

(cf. 6143 - Courses of Study)

(cf. 6159 - Individualized Education Program)

- h. Student outcomes, if available, in the subject areas described in Education Code 51210 and 51220, as applicable

2. Any goals identified for any local priorities established by the Board.

(cf. 0200 - Goals for the School District)

3. A description of the specific actions the district will take during each year of the LCAP to achieve the identified goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state and local priorities specified in items #1-2 above. Such actions shall not supersede provisions of existing collective bargaining agreements within the district.

For purposes of the descriptions required by items #1-3 above, the Board may consider qualitative information, including, but not limited to, findings that result from any school quality review conducted pursuant to Education Code 52052 or any other reviews. (Education Code 52060)

For any local priorities addressed in the LCAP, the Board and Superintendent or designee shall identify and include in the LCAP the method for measuring the district's progress toward achieving those goals. (Education Code 52060)

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LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

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1. Identify those services that are being funded and provided on a districtwide or schoolwide basis
2. Describe how such services are principally directed towards, and are effective in, meeting the district's goals for unduplicated students in the state priority areas and any local priority areas
3. If the enrollment of unduplicated students is less than 55 percent of district enrollment or less than 40 percent of school enrollment, describe how these services are the most effective use of the funds to meet the district's goals for its unduplicated students in the state priority areas and any local priority areas. The description shall provide the basis for this determination, including, but not limited to, any alternatives considered and any supporting research, experiences, or educational theory.

Availability of the Plan

The Superintendent or designee shall prominently post the LCAP, any updates or revisions to the LCAP, and the LCFF budget overview for parents/guardians on the homepage of the district's web site. (Education Code 52064.1, 52065)

(cf. 1113 - District and School Web Sites)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT

The Governing Board is committed to enabling all district students to meet state academic achievement standards. The district shall provide support and assistance to increase student achievement in all district schools, especially any school that has been identified by the California Department of Education (CDE) as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI).

(cf. 0500 - Accountability)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 6011 - Academic Standards)

(cf. 6171 - Title I Programs)

When any school is identified for CSI, TSI, or ATSI, the Superintendent or designee shall notify the school community, including the principal, teachers, and parent/guardians of students of the school, of the identification and, if applicable, shall inform the school of the student subgroup(s) which are consistently underperforming at the school.

School Plan

Upon receiving notification from CDE that a district school has been identified as eligible for CSI, TSI, or ATSI, the district shall, in partnership with principals, other school leaders, teachers, and parents/guardians, develop and implement a plan to improve student outcomes at the school. The plan shall: (20 USC 6311)

1. Be based on all state indicators in the California School Dashboard, including student performance against state-determined long-term goals, except that any school subject to the state's Dashboard Alternative School Status that has fewer than 100 students may focus on the state indicators that are more applicable to the nature of its program
2. Be based on a school-level needs assessment
3. Include evidence-based interventions
4. If the school is identified for CSI or ATSI, identify resource inequities, which may include a review of district and school-level budgets, to be addressed through implementation of the plan

(cf. 0400 - Comprehensive Plans)

The school plan for student achievement developed pursuant to Education Code 64001 may serve as the school improvement plan required for CSI, TSI, or ATSI, provided that the plan meets the requirements of 20 USC 6311. (Education Code 64001)

(cf. 0420 - School Plans/Site Councils)

The school improvement plan shall be submitted to the Board for approval. (20 USC 6311)

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

If any district school is identified for CSI, the district's local control and accountability plan shall include descriptions of how the district provides support to CSI school(s) in developing the CSI plan and how the district will monitor and evaluate the implementation and effectiveness of the CSI plan to support student and school improvement.

(cf. 0460 - Local Control and Accountability Plan)

Monitoring and Intervention

The Board and the Superintendent or designee shall regularly review the performance of each school identified for CSI, TSI, or ATSI.

After two years of implementing the school plan, if any such school has been unsuccessful in improving student outcomes to a level that exceeds initial eligibility criteria, the district shall identify the problem and take additional action as necessary.

If a school identified for CSI fails to improve student outcomes within four years to a level that exceeds the CSI eligibility criteria, it shall be subject to more rigorous interventions that include, but are not limited to, partnering with an external entity, agency, or individual with demonstrated expertise and capacity to:

1. Conduct a new needs assessment that focuses on systemic factors and conduct a root cause analysis that identifies gaps between current conditions and desired conditions in student performance and progress
2. Use the results of the analysis along with stakeholder feedback to develop a new improvement plan that includes:
 - a. A prioritized set of evidence-based interventions and strategies
 - b. A program evaluation component with support to conduct ongoing performance and progress monitoring

*Legal Reference:*EDUCATION CODE

52052 Numerically significant student subgroups

52059.5 Statewide system of support

52060-52077 Local control and accountability plan

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

COMPREHENSIVE AND TARGETED SUPPORT AND IMPROVEMENT (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

WEB SITES

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

California School Dashboard: <http://www.caschooldashboard.org>

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

10/19

Policy
Adopted:

SAN YSIDRO SCHOOL DISTRICT

San Ysidro, California **16.6**

Page 26 of 26

SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

INITIAL: *GAP*
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICIES – 1000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of Board Policies (BP) that need to be revised:

- BP 1112 – Media Relations
- BP 1431 – Waivers

RECOMMENDATION:

Approve the first reading of revised Board Policies – 1000 series.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: *mw*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Revisions to Board Policies
December 2019
1000 Series

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP 1112 - Media Relations

(BP revised)

Policy updated to expand the section on "Crisis Communications Plan" to apply to natural disasters, involve district technology personnel in the development of the plan, and expand the contents of the plan. Policy also updated to encourage the establishment of priorities and key messages for proactive communications with the media, clarify that media representatives can be required to register before coming on campus only if the district has adopted a policy requiring all visitors to register, and clarify that the only student directory information that may be released to the media is that information designated by the district in AR 5125.1 - Release of Directory Information.

BP 1431 - Waivers

(BP revised)

Policy updated to add the requirement, when submitting a general waiver request to the State Board of Education, to include a written summary of any objections to the request by school site councils or advisory committees, as applicable. Policy adds the requirement that a request pertaining to a regional occupational center or program operated by a joint powers agency be submitted as a joint waiver request with other participating districts. Policy reflects guidance in CDE's General Waiver Instructions regarding proper notice for a public hearing on a waiver request proposal.

Board Policy

Community Relations

BP 1112(a)

MEDIA RELATIONS

The Governing Board respects the public's desire for and right to information and recognizes that the media significantly influence the community's understanding of school programs, student achievement, and school safety. In order to develop and maintain positive media relations, the Board and Superintendent shall reasonably accommodate media requests for information and provide accurate, reliable, and timely information.

In conjunction with the Superintendent or designee, the Board shall periodically establish priorities and key messages for proactively communicating with the media regarding current district issues, activities, or needs.

(cf. 0400 - Comprehensive Plans)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1160 - Political Processes)

Media representatives are welcome at all public Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

(cf. 9321 - Closed Session)
(cf. 9322 - Agenda/Meeting Materials)

MEDIA RELATIONS

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

Staff may provide the media with student directory information, **as identified in AR 5125.1 - Release of Directory Information**, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release **other student records or personally identifiable student** information that is private or confidential as required by law, Board policy, or administrative regulation.

MEDIA RELATIONS (continued)

(cf. 1340 - Access to District Records)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 9010 - Public Statements)
(cf. 9324 - Minutes and Recordings)

Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media Representatives. However, interviewing and photographing students shall not create substantial disruption to the orderly operation of the school or impinge on the rights or safety of students. Therefore, the district shall encourage media representatives who wish to interview or photograph students at school to make prior arrangements with the principal.

(cf. 5145.2 - Freedom of Speech/Expression)

Media Contacts/Spokespersons

The Superintendent or designee shall identify the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent, public information officer, or district communications director. Other Board members and/or staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue or appropriateness given a particular situation.

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

(cf. 9240 - Board Training)

Crisis Communications Plan

The Superintendent or designee shall develop strategies for working with the media to provide timely and accurate information to students, parents/guardians, and the community during a crisis or natural disaster. The crisis communications plan may include, but not be limited to, identification of a media center, strategies for press conference logistics, and development and integration of both internal and external notification systems, including public address systems, social media, web site postings, and text alerts.

MEDIA RELATIONS (continued)

(cf. 0450 - *Comprehensive Safety Plan*)
 (cf. 1113 - *District and School Web Sites*)
 (cf. 1114 - *District-Sponsored Social Media*)
 (cf. 3516 - *Emergencies and Disaster Preparedness Plan*)

The Superintendent or designee shall include local law enforcement, media representatives, and district technology personnel in the crisis planning process.

*Legal Reference:*EDUCATION CODE

32210-32212 *Willful disturbance of public school or meeting*
 35144 *Special meetings*
 35145 *Public meetings*
 35160 *Authority of governing boards*
 35172 *Promotional activities*
 48907 *Freedom of speech and press*
 48950 *Prohibition against disciplinary action for first amendment speech*
 49061 *Definition of directory information*
 49073 *Directory information*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

UNITED STATES CODE, TITLE 20

1232g *Family educational and privacy rights*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 *Definition of directory information*

COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

ATTORNEY GENERAL OPINIONS

79 *Ops.Cal.Atty.Gen.* 58 (1996)

*Management Resources:*WEB SITES

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

MEDIA RELATIONS

The Board of Education respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

(cf. 9322 - Agenda/Meeting Materials)

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

(cf. 1340 - Access to District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

(cf. 9321.1 - Closed Session Actions and Reports)

Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. 5145.2 - Freedom of Speech/Expression)

In order to protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds should first make arrangements with the Superintendent or designee. Parents or guardians must consent to photographs being taken by the media of their child/children.

MEDIA RELATIONS (continued)

When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission. Parents or guardians must consent to photographs being taken by the media of their child/children.

Media Communications Plan

In order to help develop strong relations with the media, the Superintendent or designee may develop a proactive media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, school accomplishments and events of special interest.

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

The plan shall specify the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent and public information officer. Other Board members and staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue.

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

(cf. 9240 - Board Training)

Crisis Communications Plan

During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need to provide timely and accurate information to parents/guardians and the community during a crisis. The Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together effectively, the Superintendent or designee may develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The crisis communications plan may include but not be limited to identification of a media center location, development of both internal and external notification systems, and strategies for press conference logistics.

MEDIA RELATIONS (continued)

The Superintendent or designee may include local law enforcement and media representatives in the crisis planning process.

Legal Reference:

EDUCATION CODE

32210-32212 *Willful disturbance of public school or meeting*

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of governing boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

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COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Management Resources:

WEB SITES

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

WAIVERS

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state-law or regulation which SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

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

In addition, the Superintendent or designee shall consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

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

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

(cf. 6178.2 - Regional Occupational Center/Program)

To receive public testimony on each proposal for a waiver request, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, may be printed in a newspaper of general circulation and/or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

WAIVERS (continued)

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the district Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

*Legal Reference:*EDUCATION CODE33050-33053 *General waiver authority*48800 *Attendance at community college*51747.3 *Charter school independent study funding*56000-56867 *Special education programs*65001 *School site councils**Management Resources:*WEB SITES*California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

(7/05 8/13) 10/19

Policy
 Adopted: June 13, 2019
 Revised:

SAN YSIDRO SCHOOL DISTRICT

San Ysidro, California

16.7**Page 10 of 12**

WAIVERS

The Board of Education recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to the SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

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

To receive public testimony on each waiver request proposal, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if the information contained on the request remains current. However, the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference: (see next page)

WAIVERS (continued)

Legal Reference:

EDUCATION CODE

- 5000-5033 *Governing board elections*
- 10400-10407 *Cooperative improvement programs*
- 17047.5 *Facilities used by special education students*
- 17291 *Portable school buildings*
- 33050-33053 *General waiver authority*
- 37202 *Equity length of time*
- 41000-41360 *School finance*
- 41381 *Minimum school day*
- 41600-41854 *Computation of allowances*
- 41920-42842 *Budget requirements; local taxation by school districts*
- 44666-44669 *School-Based Management and Advanced Career Opportunities*
- 44681-44689 *Administrator Training and Evaluation*
- 45108.7 *Maximum number of senior management positions*
- 48660-48666 *Community day schools*
- 48800 *Attendance at community college*
- 49550-49560 *Meals for needy students*
- 51224.5 *Algebra instruction*
- 51745.6 *Charter school independent study ratio*
- 52160-52178 *Bilingual-Bicultural Education Act of 1976*
- 52522 *Plans for adult education*
- 54407 *Waiver for compensatory education programs*
- 56000-56867 *Special education programs*
- 58407 *Waiver related to individualized instruction program*
- 60119 *Public hearing on sufficiency of instructional materials*

CODE OF REGULATIONS, TITLE 5

- 3100 *Resource specialist caseload waivers*
- 3945 *Cooperative programs*
- 11960 *Charter school attendance*
- 11963.4 *Charter school percentage funding*
- 13017 *Waivers, compensatory education New Careers in Education Program*
- 13044 *Waivers, compensatory education Professional Development and Program Improvement Programs*

UNITED STATES CODE, TITLE 20

- 1400-1482 *Individuals with Disabilities Education Act*
- 7115 *Student Support and Academic Enrichment Grants*

Management Resources:

WEB SITES

- California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>*
- Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

INITIAL: 
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICIES AND ADMINISTRATIVE REGULATIONS – 3000 SERIES

BACKGROUND INFORMATION:

The District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

The following Board Policies and Administrative Regulations in the 3000 Series have been updated:

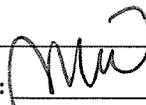
- BP/AR 3320
- BP/AR 3515
- BP/AR 3551

RECOMMENDATION:

Approve first reading of revised Board Policies and Administrative Regulations - 3000 series (Business and Noninstructional Operations).

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

POLICY GUIDE SHEET REVISIONS

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

BP 3320 - Claims and Actions Against the District

(BP revised 7/19)

Policy updated to include Superintendent or "designee" to the following paragraph: In accordance with Government Code 935.4, the Board delegates to the Superintendent **or designee** the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

AR 3320 - Claims and Actions Against the District

(AR revised 7/19)

Regulation updated to add statement requiring the use of district procedures for claims against the district prior to filing a lawsuit. Regulation also defines "limited civil case" as one that is for an amount of \$25,000 or less.

BP/AR 3515 - Campus Security

(BP/AR revised 10/19)

Policy updated to clarify that audio capability of surveillance equipment should be disabled in accordance with state law prohibiting the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded, and to reflect a National Institute of Justice recommendation that signage state that the district's surveillance system may or may not be actively monitored. Regulation adds section on "Locks" reflecting requirement for state-funded new construction projects, as well as certain modernization projects, to include locks that allow classroom doors to be locked from the inside. Regulation also adds strategies to increase adult presence and supervision on campus and to provide staff training in emergency response.

BP/AR 3551 - Food Service Operations/Cafeteria Fund

(BP/AR revised 7/19)

Policy updated to reflect **NEW FEDERAL REGULATION (84 Fed. Reg. 8247)** and updated California Department of Education (CDE) guidance giving districts with an average daily attendance of less than 2,500 greater flexibility in the hiring of food service directors. Policy also consolidates material on nondiscrimination toward students who have unpaid meal fees and those who participate in the free and reduced-price meal program. Regulation updated to reflect **NEW LAW (AB 3043, 2018)** which permits the use of cafeteria funds to (1) pay for the purchase of a mobile food facility and (2) supplement the cost of providing universal breakfast in districts that do not provide universal breakfast under a federal program, provided they submit the required certification to CDE. Regulation also updates section on U.S. Department of Agriculture (USDA) donated foods to reflect current requirements for the safe storage and control of the foods. In both policy and regulation, CDE and USDA guidance renumbered when superseded by newer guidance.

CLAIMS AND ACTIONS AGAINST THE DISTRICT

The Board of Education desires to conduct district operations in a manner that minimizes risk, protects district resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with the Government Claims Act or other applicable state or district procedures, as well as the district's joint powers authority (JPA) agreement or other insurance coverage.

(cf. 3530 - Risk Management/Insurance)
(cf. 5143 - Insurance)

Any claim for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or specifically excepted by Government Code 905 shall be presented and acted upon in accordance with district-established procedures consistent with the manner and time limitations specified in the accompanying administrative regulation, unless a procedure for processing such claims is otherwise provided by state or federal law or regulation. (Government Code 935)

Upon notice to the district of a claim, the Superintendent or designee shall take all necessary steps to protect the district's rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

In accordance with Government Code 935.4, the Board delegates to the Superintendent or designee the authority to allow, compromise, or settle claims of \$50,000 or less pursuant to any conditions of coverage in the district's JPA agreement or insurance coverage.

Roster of Public Agencies

Within 10 days of any change in the name of the district, the mailing address of the Board, or the names and addresses of the Board president, the Board clerk or secretary, or other Board members, the Superintendent or designee shall file the updated information with the Secretary of State and the County Clerk. (Government Code 53051)

Legal Reference: (see next page)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Legal Reference:

EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

CODE OF CIVIL PROCEDURE

340.1 *Damages suffered as result of childhood sexual abuse*

GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

6500-6536 *Joint exercise of powers*

53051 *Information filed with secretary of state and county clerk*

PENAL CODE

72 *Fraudulent claims*

COURT DECISIONS

Big Oak Flat-Groveland Unified School District v. Superior Court of Tuolumne County, (2018) 21 Cal.App.5th 403

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App.4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

CLAIMS AND ACTIONS AGAINST THE DISTRICT

The Government Claims Act (Government Code 810-996.6) sets forth prelitigation requirements and deadlines for claims against public entities, including school districts. In City of Stockton v. Superior Court, the California Supreme Court held that the claim requirements in Government Code 900-915.4 also apply to claims for breach of contract.

Because a district's insurance carrier or joint powers authority (JPA) may require the district to comply with certain claims management conditions as part of the district's contractual coverage obligation, it is strongly recommended that this administrative regulation be reviewed for consistency with any applicable conditions of coverage. A district's failure to follow those contractual conditions may result in a loss of coverage benefits. The district's risk manager and legal counsel should also be consulted, as appropriate.

Pursuant to Government Code 935, district claims procedures may include a requirement that a claim be presented and acted upon in accordance with those procedures as a prerequisite to a lawsuit. Failure to include such a requirement may subject the district to increased liability.

Unless otherwise provided by law, prior to filing a lawsuit against the district for money or damages, a written claim shall be filed in accordance with the following administrative regulation.

Time Limitations

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to childhood sexual abuse or any other cause of action specifically excepted from the Government Claims Act by Government Code 905 and for which a statute or regulation provides a claims presentation procedure shall be filed in accordance with the applicable governing statute or regulation. (Government Code 905, 935)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. In accordance with the Governing Board's authority pursuant to Government Code 935, claims for money or damages which relate to any cause of action specifically excepted from the Government Claims Act by Government Code 905 and which are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 935)

3. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code 911.2)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

4. Claims for money or damages relating to any other cause of action shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)

Receipt of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of \$25,000 or less.
7. The signature of the claimant or the person acting on the claimant's behalf.

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Notice of Claim Insufficiency

Pursuant to Government Code 911, if the district, or the JPA or insurance carrier acting on the district's behalf, fails to give notice that the claim is insufficient, as specified below, then the district may not later raise that issue as a defense to the claim.

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

Districts should be cautious before rejecting a claim because of insufficiency of information and consult legal counsel and/or the district's JPA or insurance provider, as appropriate. Courts have held that a claim is sufficient as long as enough information is disclosed to allow the district to adequately conduct an investigation of the claim's merits.

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in the section "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

For claims under items #2 and #3 in the section "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.4)

If the claim is presented late and is not accompanied by an application to present a late claim, the Board or its designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action. (Government Code 911.3)

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

The Board shall grant or deny the application to present a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Action on Claims

Pursuant to Government Code 945.6, if the Board formally acts to reject a claim and provides notice of such rejection, the claimant has only six months from the rejection to initiate a lawsuit. If the Board takes no action or fails to provide written notice rejecting the claim, the claimant then has two years to initiate a suit against the district. The notice of rejection must comply with the notification requirements of Government Code 913 unless the claim has no address on it.

Although the Board takes final action on claims as specified below, such action is based on the evaluation of the claim by the district's insurance provider or JPA.

CLAIMS AND ACTIONS AGAINST THE DISTRICT (continued)

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement between the district and the claimant before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.
5. If the Board takes no action on the claim, the claim shall be deemed rejected.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

(7/18 10/18) 7/19

CAMPUS SECURITY

The Governing Board is committed to providing a school environment that promotes the safety of students, staff, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5142 - Safety)

The Superintendent or designee shall develop campus security procedures, which may be included in the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

Surveillance Systems

Generally, the use of cameras (i.e., a "search" within the meaning of the Fourth Amendment) must be reasonable and the cameras must not be used in areas where there is a "reasonable expectation of privacy" (New Jersey v. T.L.O.). To protect reasonable expectations of privacy, cameras should not be located in areas such as bathrooms, locker rooms, or private offices. In addition, Education Code 51512 prohibits the use of a recording device in a classroom without the prior consent of the teacher and principal. Examples of locations where cameras may generally be used include hallways, stairwells, parking lots, and cafeterias. For language about the use of cameras on school buses, see AR 5131.1 - Bus Conduct.

Penal Code 632 prohibits the recording of conversations unless the parties to the conversation may reasonably expect that the communication may be overheard or recorded. Thus, if the district's equipment has audio capability, it should be disabled so that sounds are not recorded.

In consultation with the district's safety planning committee, other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

(cf. 5131.1 - Bus Conduct)
(cf. 5145.12 - Search and Seizure)

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations around school buildings and grounds. These signs shall state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where

CAMPUS SECURITY (continued)

surveillance may occur and that the recordings may be used in disciplinary proceedings, and/or referred to local law enforcement, as appropriate.

(cf. 5144 - Discipline)

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

Pursuant to 20 USC 1232(g) (Family Educational Rights and Privacy Act), 34 CFR 99.3, and Education Code 49061, any recording or image of that is directly related to a student and is maintained by the district or a person acting for the district is considered a "student record" and thus is subject to those laws regarding access, disclosure, and retention. See BP/AR 5125 - Student Records. Also see the U.S. Department of Education's [FAQs on Photos and Videos under FERPA](#), located on its web site.

In addition, a recording or image of a staff member that may be used in a personnel action is subject to the laws regarding personnel records, including an employee's right to comment on derogatory information placed in a personnel file. See AR 4112.6/4212.6/4312.6 - Personnel Files.

To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

*Legal Reference:*EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act, especially:*

17075.50 *Classroom security locks, new construction projects*

17583 *Classroom security locks, modernization projects*

32020 *Access gates*

32211 *Threatened disruption or interference with classes*

32280- 32289 *School safety plans*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

38000-38005 *Security departments*

49050-49051 *Searches by school employees*

49060-49079 *Student records*

PENAL CODE

469 *Unauthorized making, duplicating or possession of key to public building*

626-626.11 *Disruption of schools*

CALIFORNIA CODE OF REGULATIONS, TITLE 24

1010.1.9 *Door operations*

1010.1.11 *Lockable doors from the inside*

CAMPUS SECURITY (continued)

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.3 Definition of education records

COURT DECISIONS

Brannum v. Overton County School Board (2008) 516 F. 3d 489

New Jersey v. T.L.O. (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, rev. 2005

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs on Photos and Videos under FERPA

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Protecting Student Privacy: <https://studentprivacy.ed.gov>

(3/07) 10/19

Policy
adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

16.8

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CAMPUS SECURITY

The Superintendent or designee shall develop a campus security plan which contributes to a positive school climate, fosters social and emotional learning and student well-being, and includes strategies to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity

These strategies include a risk management analysis of each campus' security system, lighting system, and fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.

2. Secure buildings and interior spaces from outsiders and discourage trespassing

These strategies may include installing locks, requiring visitor registration, providing staff and student identification tags, and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)
(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti

These strategies may include plans to immediately cover graffiti and implement campus beautification projects.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5137 - Positive School Climate)
(cf. 6142.4 - Service Learning/Community Service Classes)

4. Control access to keys and other school inventory

(cf. 3440 - Inventories)

5. Detect and intervene with school crime

These strategies may include creating a school watch program, increasing adult presence and supervision, establishing an anonymous crime reporting system, analyzing school crime incidents, and collaborating with local law enforcement agencies, including providing for law enforcement presence.

CAMPUS SECURITY (continued)

(cf. 3515.3 - District Police/Security Department)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 3516.2 - Bomb Threats)
(cf. 5116.2 - Involuntary Student Transfers)
(cf. 5131.2 - Bullying)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5141.52 - Suicide Prevention)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6164.2 - Guidance/Counseling Services)

All staff shall receive training in building and grounds security procedures and emergency response.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Locks

All state-funded new construction and modernization projects shall include locks that allow doors to classrooms and any room with an occupancy of five or more persons to be locked from the inside. Student restrooms and doors that lock from the outside at all times are not required to have locks that can be locked from the inside. *(Education Code 17075.50, 17583; 24 CCR 1010.1.9, 1010.1.11)*

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to authorized employees who regularly need a key in order to carry out their job responsibilities.

The principal or designee shall create a key control system with a record of each key assigned and room(s) or building(s) which the key opens.

Keys shall be used only by authorized employees and shall never be loaned to students, parents/guardians, or volunteers, nor shall the master key ever be loaned.

CAMPUS SECURITY (continued)

Any person issued a key shall be responsible for its safekeeping. The duplication of school keys is prohibited. If a key is lost, the person responsible shall immediately report the loss to the principal or designee and shall pay for a replacement key.

(6/96 3/07) 10/19

Policy
Adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Pursuant to U.S. Department of Agriculture (USDA) Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773) are mandated to adopt policy addressing delinquent meal charges; see the section "Meal Sales" below and the accompanying administrative regulation.

Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program must maintain a nonprofit school food service program. Revenues received through the program may be used for the operation or improvement of the food service program, but not to construct buildings. Revenues also may not be used to purchase land or buildings, unless otherwise approved by the USDA. Authorized expenditures are specified in Education Code 38101 and defined in the California Department of Education's (CDE) California School Accounting Manual.

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

- (cf. 3100 - Budget)*
- (cf. 3300 - Expenditures and Purchases)*
- (cf. 3311 - Bids)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3552 - Summer Meal Program)*
- (cf. 5030 - Student Wellness)*

The Superintendent or designee shall ensure that food service director(s) possess the qualifications required by 7 CFR 210.30 and California Department of Education (CDE) standards.

- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*

The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 42 USC 1776, such districts must ensure that food service personnel and other appropriate personnel who conduct or oversee administrative procedures receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see CDE's web site.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the CDE. (42 USC 1776)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Meal Sales**

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias or other costs determined by Board resolution, which are paid from district funds other than the cafeteria fund, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. For information about setting prices for full-price meals, see 42 USC 1760 and CDE's Nutrition Services Division Management Bulletin SNP 12-2018.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760. Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 - Free and Reduced Price Meals)

Note: Pursuant to USDA Memorandum SP 46-2016, districts participating in the National School Lunch and/or Breakfast Program are mandated to have a written and clearly communicated meal charge policy which includes, but is not limited to, policy on the collection of delinquent meal charge debt. See the accompanying administrative regulation for additional language fulfilling this mandate.

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments. Such procedures shall conform with BP/AR 3553 - Free and Reduced Price Meals, 2 CFR 200.426, and any applicable CDE guidance. The Superintendent or designee shall clearly communicate these procedures to students and parents/guardians, and shall make this policy and the accompanying administrative regulation available to the public pursuant to Education Code 49557.5.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Note: Education Code 49557.5 requires any district that participates in the National School Lunch and/or Breakfast Program to ensure that students with unpaid meal fees are not shamed or treated differently than other students. For further information, see CDE's Nutrition Services Division Management Bulletin SNP-03-2017.

In addition, Education Code 49557 requires the Board to approve a plan that ensures students eligible to receive free or reduced-price meals are not treated differently from other students, including, but not limited to, assurance that eligible students will not be overtly identified by the use of special tokens, tickets, or any other means. For additional language addressing this requirement, see BP/AR 3553 - Free and Reduced Price Meals.

The Superintendent or designee shall ensure that a student whose parent/guardian has unpaid school meal fees or a student who is enrolled in the free or reduced-price meal program is not overtly identified; by the use of special tokens, tickets, or other means and is not shamed, treated differently, or served a meal that differs from the meal served to other students. (Education Code 49557, 49557.5)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Contracts with Outside Services**

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Procurement of Foods, Equipment and Supplies

The following two paragraphs reflect requirements for districts participating in the National School Lunch and/or Breakfast Program. Pursuant to 7 CFR 210.21, districts are required to comply with all requirements for purchasing commercial food products served in the school meal programs, including those outlined in the Buy American provision. USDA Memorandum SP 38-2017 clarifies that a district participating in the National School Lunch and/or Breakfast Program or any entity purchasing food on its behalf must, to the maximum extent practicable, purchase domestically grown and processed foods, as defined. According to the Memorandum, a domestic commodity or product is deemed to be "substantially using" domestic agricultural commodities when over 51 percent of the final processed product consists of agricultural commodities produced in the United States.

Limited exceptions to the Buy American requirement are described in USDA Memorandum SP 38-2017. If the district is using one of these exceptions, it must maintain documentation justifying the exception(s).

Pursuant to Education Code 49563, CDE is required to make resources, requirements, and best practices related to the Buy American provision available on its web site and to provide districts with related USDA guidance or regulations as updates are issued.

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. *Domestic commodity or product* means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the use of the exception.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Furthermore, the district shall accept a bid or price for an agricultural product grown in California before accepting a bid or price for an agricultural product grown outside the state, if the quality of the California-grown product is comparable and the bid or price does not exceed the lowest bid or price of a product produced outside the state. (Food and Agriculture Code 58595)

Bid solicitations and awards for purchases of equipment, materials, or supplies in support of the district's child nutrition program, or for contracts awarded pursuant to Public Contract Code 2000, shall be consistent with the federal procurement standards in 2 CFR 200.318-200.326. Awards shall be let to the most responsive and responsible party. Price shall be the primary consideration, but not the only determining factor, in making such an award. (Public Contract Code 20111)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The following paragraph is for use by districts that have one or more schools participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Feeding Option, and/or other federal meal program. The state monitoring process (the Administrative Review) includes a review of district compliance with requirements for federal meal programs, including a review of resource management in the food service program as provided in the following paragraph. Each district is reviewed at least once every three years. See the CDE's nutrition services web site for a current list of documents that may be requested for the review.

During the Administrative Review, CDE will review district policies on charge accounts, alternate meals, unpaid meal charges, and guidelines for continually notifying parents/guardians of these policies.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Legal Reference:

EDUCATION CODE

- 38080-38086.1 Cafeteria, establishment and use
- 38090-38095 Cafeterias, funds and accounts
- 38100-38103 Cafeterias, allocation of charges
- 42646 Alternate payroll procedure
- 45103.5 Contracts for management consulting services; restrictions
- 49490-49493 School breakfast and lunch programs
- 49500-49505 School meals
- 49550-49564.5 Meals for needy students, especially:
- 49550.5 Universal breakfast
- 49554 Contract for services
- 49580-49581 Food recovery program

FOOD AND AGRICULTURE CODE

- 58595 Preference for California-grown agricultural products

HEALTH AND SAFETY CODE

- 113700-114437 California Retail Food Code

PUBLIC CONTRACT CODE

- 2000-2002 Responsive bidders
- 20111 Contracts

CODE OF REGULATIONS, TITLE 5

- 15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

- 1751-1769j School lunch programs
- 1771-1791 Child nutrition, including:
- 1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

- 200.56 Indirect costs, definition
- 200.317-200.326 Procurement standards
- 200.400-200.475 Cost principles
- 200 Appendix VII Indirect cost proposals

CODE OF FEDERAL REGULATIONS, TITLE 7

- 210.1-210.31 National School Lunch Program
- 220.1-220.21 National School Breakfast Program
- 250.1-250.70 USDA foods

Management Resources: (see next page)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Professional Standards in the SNP and New Hiring Flexibility, NSD Management Bulletin, SNP-10-2019, April 2019

Paid Lunch Equity Requirement and Calculation Tool, NSD Management Bulletin, SNP-12-2018, May 2018

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, and Additional Guidance on the Handling of Unpaid Meal Charges, NSD Management Bulletin, SNP-03-2018, February 2018

Storage and Inventory Management of U.S. Department of Agriculture Foods, NSD Management Bulletin, FDP-01-2018, January 2018

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, NSD Management Bulletin, SNP-03-2017, April 2017

Procuring and Monitoring of Food Service Management Contracts, NSD Management Bulletin, SNP-13-2015

Cafeteria Funds--Allowable Uses, NSD Management Bulletin, NSD-SNP-07-2013, May 2013

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, NSD Management Bulletin, 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 38-2017, June 2017

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, May 2017

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

(5/17 3/18) 7/19

Policy
adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

FOOD SERVICE OPERATIONS/CAFETERIA FUND

Payments for Meals

State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day, which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Nutrition Services Division Management Bulletin SNP 03-2018 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day.

In addition to providing meals at no cost to students who are eligible, the district may offer meals at no cost to students who qualify for reduced-price benefits. Districts that choose to eliminate reduced-price meal charges may still claim the meals at the reduced-price rate, but the cost difference between the reduced-price meal and the no-cost meal must be covered by the district's cafeteria fund. For more information, see the U.S. Department of Agriculture's (USDA) Memorandum SP 17-2014.

The following section includes recommendations of the CDE's Nutrition Services Division Management Bulletin and the USDA's "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

According to the USDA's "FAQs About School Meals," any district that participates in the National School Lunch and/or Breakfast Program and has one or more schools which use a system of meal tickets (or tokens, cards, or other similar medium of exchange) may limit the number of lost or stolen tickets it will replace for students each school year, as long as the limit is set at three or more. However, such a limit may only be established if the school (1) advises students and parents/guardians of the district's rules regarding replacement tickets at the beginning of the school year and/or when applications for free and reduced-price meals are distributed or approved; (2) maintains a list of students who have reported lost and stolen tickets and the number of occurrences for each student; (3) issues at least one advance warning to the student or the student's parent/guardian prior to refusing to issue a replacement ticket; and (4) does not deny meals to prekindergarten or younger primary students or students with disabilities who may be unable to take full responsibility for their meal tickets. Although these requirements apply only to students who qualify for free or reduced-price meals, the USDA recommends that districts apply the same limits for students who pay full price for their meals in order to ensure that needy students are not overtly identified because of a disparate ticket replacement policy.

In any school that uses a system of meal tickets or other similar medium of exchange rather than an electronic point-of-sale system, the Superintendent or designee shall develop a process for providing replacement tickets to any student who reports a ticket as lost or stolen. However, whenever any student reports an excessive number of lost or stolen tickets, the Superintendent or designee shall notify the parent/guardian and may provide an alternative method of tracking meal usage for that student.

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate and shall open a new account as appropriate for a student whose account appears to have been misused.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Unpaid and Delinquent Meal Charges**

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

Pursuant to CDE's Nutrition Services Division Management Bulletin SNP-03-2017, delinquent debt must be reclassified as bad debt and written off as an operating loss if it is not paid by the end of the fiscal year in which the debt was incurred, unless the district enters into a repayment plan with the parent/guardian prior to the end of the fiscal year or the debt occurs fewer than 90 days prior to the end of the fiscal year. Federal funds are not available to reimburse the district for bad debt. Districts are required to maintain related records in accordance with 7 CFR 210.9 and 210.15.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

(cf. 3510 - Green School Operations)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38093)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

Education Code 38101, as amended by AB 3043 (Ch. 593, Statutes of 2018), permits a district, with approval from CDE, to utilize cafeteria funds to pay for the purchase of a mobile food facility. However, if the district uses federal reimbursements from any of the federal child nutrition programs for such purchase, the mobile food facility shall only be used to support the administration of those federal programs. Mobile food facilities used for any purposes other than to support the administration of federal child nutrition programs shall not be purchased with cafeteria funds.

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the district shall submit to CDE a Board-signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered by the district with nonfederal funds. (Education Code 49550.5)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

2 CFR Part 200 Appendix VII and USDA guidance SP 60-2016, Indirect Costs: Guidance for State Agencies and School Food Authorities, provide information regarding allowable indirect costs that may be charged to the nonprofit school food service account. Indirect costs are those that are incurred for the benefit of multiple programs or objectives and typically support administrative overhead functions (e.g., accounting, payroll, purchasing, utilities, janitorial services). Each program or objective that benefits from the indirect cost bears a commensurate portion of the cost. Costs may be charged to the nonprofit food service account only if properly documented.

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Note: Pursuant to 7 CFR 210.14 and 220.7, net cash resources (i.e., all monies that have accrued to the nonprofit school food service at any given time, less cash payable) should not exceed three months average expenditures. If there is a surplus, then according to USDA guidance, Indirect Costs: Guidance for State Agencies and School Food Authorities, the district must lower the price of paid lunches, improve food quality, or make other improvements to school meal operations. CDE's Nutrition Services Division Management Bulletin NSD-SNP-07-2013 provides that the spending plan developed by the district under such circumstances must be approved by the CDE.

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (7 CFR 210.14, 220.7)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**U.S. Department of Agriculture Foods**

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

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

(cf. 4212 - Appointments and Conditions of Employment)

(5/17 3/18) 7/19

Policy
adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: *DF*
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICES AND
ADMINISTRATIVE REGULATIONS – 4000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

The following Board Policies and Administrative Regulations have been updated:

Board Policy 4116: Probationary/Permanent Status
Administrative Regulation 4116: Probationary/Permanent Status
Administrative Regulation 4117.7 and 4317.7: Employment Status Reports
Board Policies 4119.22, 4219.22 and 4319.22: Dress and Grooming
Board Policy 4216: Probationary/Permanent Status
Administrative Regulation 4218: Dismissal/Suspension/Disciplinary Action

The following Board Policies have been added:

Board Policies 4119.24, 4219.24 and 4319.24: Maintaining Appropriate Adult-Student Interactions
Board Policy 4218: Dismissal/Suspension/Disciplinary Action

The following Administrative Regulation has been deleted:

Administrative Regulation 4117.6: Decision Not to Rehire

RECOMMENDATION:

Approve the first reading of revised Board Policies and Administrative Regulations – 4000 series.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal #1: Student Achievement – 1.5 Staffing

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A

(Amount)

--

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Gina A. Potter

Superintendent's Office Certification: **16.9**

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

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POLICY GUIDE SHEET
4000 Series
July 2019

AR 4117.7/4317.7 - Employment Status Reports

(AR revised)

Regulation updated pursuant to Education Code 44940 to include a violation or attempted violation of Penal Code 187 (murder) in the definition of a "mandatory leave of absence offense."

BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions

(BP added)

New policy addresses the avoidance of unlawful and inappropriate interactions between staff and students, an employee's responsibility to report another employee's violation of this policy, disciplinary consequences for staff, referral to law enforcement when appropriate, the requirement to post the code of conduct on school and/or district websites, and examples of conduct that are inappropriate or can create the appearance of impropriety.

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

(BP added; AR revised)

New policy contains material formerly in AR pertaining to board actions in disciplinary hearings for classified employees and new material consistent with BP 4118 - Dismissal/Suspension/Disciplinary Action for certificated employees. Policy also reflects **NEW LAW (AB 2234, 2018)** which requires the board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Regulation updates and consolidates the causes for disciplinary action. Regulation also adds the requirement to set a timeline by which the employee may request a hearing, which must be not less than five days after serving notice upon the employee. Section on "Compulsory Leave of Absence" expanded to define "mandatory" and "optional" leave of absence offenses and reflect requirements pertaining to extension of the leave and compensation during the leave. Material pertaining to merit system districts moved to BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

POLICY GUIDE SHEET
4000 Series
October 2019

BP/AR 4116 - Probationary/Permanent Status

(BP/AR revised)

Policy updated to reflect court decisions clarifying the distinction between probationary employees and temporary employees. Material regarding eligibility for permanent status based on average daily attendance moved from AR to BP, except option for not granting permanent status deleted, as this option was only applicable to districts with less than 250 average daily attendance and the remainder of this policy and regulation is for use only by districts that grant permanent status. Policy also adds material regarding the notification of nonreelection of a probationary employee, formerly in AR 4117.6 - Decision Not to Rehire. Regulation updated to add material regarding the computation of the length of service required for classification as a permanent employee, including types of service excluded from that computation.

AR 4117.6 - Decision Not to Rehire

(AR deleted)

Regulation deleted and concepts moved to BP 4116 - Probationary/Permanent Status.

BP 4119.22/4219.22/4319.22 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

BP 4216 - Probationary/Permanent Status

(BP revised)

Policy updated to reflect **NEW LAW (AB 1353)** which shortens the length of the probationary period in non-merit system districts from one year to either six months or 130 days of paid service, whichever is longer, for consistency with districts incorporating the merit system. Policy also revised to clarify that employees may be dismissed during the probationary period without cause.

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

(BP/AR revised)

Policy and regulation updated to reflect procedural rights that must be granted to permanent district employees based on the court decision in *Skelly v. State Personnel Board*, including notification of the materials upon which the proposed action is based and the employee's right to respond to a designated district official ("Skelly officer") who will decide whether the recommended discipline should be imposed.

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified certificated personnel to implement the district's educational program. Newly hired certificated personnel shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

Certificated employees who satisfactorily complete the probationary period shall be granted permanent status.

A probationary employee who has been employed by the district in a position(s) requiring certification for two complete consecutive school years and is then reelected for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21, 44929.23)

During the probationary period, employees shall receive professional development and assistance which may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

(cf. 4131 - Staff Development)

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

Dismissal/Nonreelection of Probationary Employees

During the school year, a probationary employee may be suspended or dismissed only for cause and in accordance with district procedures. (Education Code 44948.3)

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

With proper notice, the Board may, without cause, elect not to reemploy a probationary employee for the subsequent year. (Education Code 44929.21, 44929.23)

(cf. 4117.3 - Personnel Reduction)

The Superintendent or designee shall annually provide the Board with recommendations regarding the reelection or nonreelection of probationary certificated personnel for the ensuing school year.

At any time during a probationary employee's first year of employment in the district, the Board may give written notice to the employee of the Board's decision not to reelect the employee for a second school year. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

PROBATIONARY/PERMANENT STATUS (continued)

During the final year of the probationary period, the Board may decide not to reelect the employee for the following year, and shall so notify the employee in writing on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44948.5)

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

Such notices shall be delivered through personal service upon the employee, certified mail with return receipt, email, or another method which documents actual receipt of the notice by the employee.

*Legal Reference:*EDUCATION CODE

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of district interns

44908 Complete year for probationary employees

44909 Classification of certificated employees in categorically funded projects

44910-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another district

44930-44988 Resignations, dismissals and leaves of absence, especially:

44948.2 Election to use provisions of Section 44948.3

44948.3 Dismissal of probationary employees

44948.5 Nonreelection procedures, districts under 250 ADA

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

COURT DECISIONS

Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 203 Cal. App. 4th 1552

Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69

California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146

Hoschler v. Sacramento City Unified School District (2007) 149 Cal. App. 4th 258

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280

Fischer v. Los Angeles Unified School District (1999) 70 Cal. App. 4th 87

Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal. App. 3d 805

Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal. App. 3d 1517

Grimsley v. Board of Trustees (1987) 189 Cal. App. 3d 1440

PROBATIONARY/PERMANENT STATUS

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

(cf. 4117.6 - Decision Not to Rehire)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

- 44466 Status of university interns
- 44850.1 No tenure in administrative or supervisory position
- 44885.5 Status of district interns
- 44908 Complete year for probationary employees
- 44911-44913 Service not computed in eligibility for permanent status
- 44915 Classification of probationary employees
- 44917-44921 Status of substitute or temporary employees
- 44929.20 Continuing contracts (not to exceed four years - ADA under 250)
- 44929.21 Districts of 250 ADA or more
- 44929.23 Districts with less than 250 ADA
- 44929.28 Employment by another district
- 44930-44988 Resignations, dismissals and leaves of absence, especially:
- 44948.2 Election to use provisions of Section 44948.3
- 44948.3 Dismissal of probationary employees

PROBATIONARY/PERMANENT STATUS

Eligibility for Permanent Status

A probationary employee who, in any one school year, has served for at least 75 percent of the number of days maintained by regular district schools shall be deemed to have served a complete school year. (Education Code 44908)

The following shall not be included for purposes of computing the service required as a prerequisite to classification as a permanent employee:

1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)
2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)
3. Service only as a teacher of basic military drill in high school cadet companies (Education Code 44912)
4. Employment in summer school (Education Code 44913)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, the employee shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

(cf. 4112.21 - Interns)

An employee who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when the employee is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

Regulation
approved:

PROBATIONARY/PERMANENT STATUS

Permanent Status

A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if he/she is reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, he/she shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

(cf. 4112.21 - Interns)

A person who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when he/she is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

DECISION NOT TO REHIRE

The Superintendent or designee shall provide the Board of Education with his/her recommendations regarding the rehiring of probationary certificated personnel.

The Board may decide not to rehire a probationary employee for a second school year and give written notice of its decision to the employee at any time during his/her first year of employment. If the Board does not give written notice, the employee shall be deemed reelected for the next succeeding school year.

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second complete consecutive school year of employment. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44929.23)

(cf. 4112.21 - Interns)
(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.3 - Personnel Reduction)

Legal Reference:

EDUCATION CODE

- 44885.5 District interns*
- 44929.21 Districts with 250 ADA or more; notice of reelection decision*
- 44929.23 Districts with daily attendance less than 250*
- 44948.2 Election to use provisions of Education Code 44948.3*
- 44948.3 Dismissal of probationary employees (over 250 ADA)*
- 44949 Cause, notice and right to hearing required for dismissal of probationary employee*
- 44955 Reduction in number of permanent employees*

COURT DECISIONS

- Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258*
- Fischer v. Los Angeles Unified School District (1999) 70 Cal. App. 4th 87*
- Bellflower Education Assn. v. Bellflower Unified School District (1991) 228 Cal. App. 3d 805*
- Fontana Teachers Assn. v. Fontana Unified School District (1988) 201 Cal. App. 3d 1517*
- Grimsley v. Board of Trustees (1987) 189 Cal. App. 3d 1440*

EMPLOYMENT STATUS REPORTS

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

2. Resigns

(cf. 4117.2/4217.2/4317.2 - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.3 - Personnel Reduction)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

EMPLOYMENT STATUS REPORTS (continued)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Board of Education. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

The notice to CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

(cf. 1312.1 - Complaints Concerning District Employees)

EMPLOYMENT STATUS REPORTS (continued)

(cf. 4119.11/4219.11/4319.11 - *Sexual Harassment*)
(cf. 5145.7 - *Sexual Harassment*)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - *Student Records*)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes
44010 Sex offense, definitions
44011 Controlled substance offense, definitions
44030.5 Employment status reports
44225 Powers and duties of CTC
44242.5 Reports and review of alleged misconduct
44420-44440 Adverse actions by CTC against credential holder
44932 Causes for dismissal
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence
44955-44958 Reduction in force

Penal Code

187 Murder

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2019

WEB SITES

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

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

Regulation
approved:

EMPLOYMENT STATUS REPORTS

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

2. Resigns

(cf. 4117.2/4217.2/4317.2 - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.3 - Personnel Reduction)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

EMPLOYMENT STATUS REPORTS (continued)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to the CTC, using a form provided by the CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940. (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to the CTC. In addition, he/she shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Board of Education. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify the CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

The notice to the CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

EMPLOYMENT STATUS REPORTS (continued)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - Student Records)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense, definitions

44011 Controlled substance offense, definitions

44030.5 Employment status reports

44225 Powers and duties of the CTC

44242.5 Reports and review of alleged misconduct

44420-44440 Adverse actions by CTC against credential holder

44932 Causes for dismissal

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence

44955-44958 Reduction in force

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013

WEB SITES

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

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

All Personnel

BP 4119.22(a)

4219.22

DRESS AND GROOMING

4319.22

The Board of Education believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 0415 - Equity)

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

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

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

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

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

(cf. 4030 - Nondiscrimination in Employment)

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

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Legal Reference: (see next page)

DRESS AND GROOMING (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation

12926 Definitions

12940 Unfair employment practices

12949 Dress standards, consistency with gender identity

COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 838

Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

Transgender Rights in the Workplace

WEB SITES

California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>

Public Employment Relations Board: <http://www.perb.ca.gov>

CURRENT

All Personnel	BP 4119.22
	4219.22
DRESS AND GROOMING	4319.22

The Board of Education believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5132 - Dress and Grooming)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards
35160.1 Broad authority of school districts

GOVERNMENT CODE

3543.2 Scope of representation
12949 Dress standards, consistency with gender identity

COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
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PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136
Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

WEB SITES

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy
adopted: July 11, 2019

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California

16.9
Page 18 of 39

All Personnel

BP 4119.24(a)
4219.24
4319.24

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

(cf. 5145.7 - Sexual Harassment)

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS (continued)

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS (continued)

8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference

EDUCATION CODE

44030.5 *Employment status reports*

44050 *Employee code of conduct; employee interactions with students*

44242.5 *Reports and review of alleged misconduct*

44940 *Sex offenses and narcotic offenses; compulsory leave of absence*

48980 *Parental notifications*

PENAL CODE

11164-11174.3 *Child Abuse and Neglect Reporting Act*

CODE OF REGULATIONS, TITLE 5

80303 *Reports of change in employment status, alleged misconduct*

80304 *Notice of sexual misconduct*

PROBATIONARY/PERMANENT STATUS

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The district may, without cause, dismiss a new employee during the probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from the employee was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

45240-45320 Merit system

Management Resources:

WEB SITES

California School Employees Association: <http://www.csea.org>

Policy
adopted:

PROBATIONARY/PERMANENT STATUS

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee may dismiss an employee during the initial probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed one year of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which he/she was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

45240-45320 Merit system

Management Resources:

WEB SITES

California School Employees Association: <http://www.csea.org>

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 4000 - Concepts and Roles)*
- (cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*
- (cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)*
- (cf. 4119.21/4219.21/4319.21 - Professional Standards)*
- (cf. 4141/4241 - Collective Bargaining Agreement)*
- (cf. 4200 - Classified Personnel)*

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

- (cf. 4030 - Nondiscrimination in Employment)*
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)*
- (cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

- (cf. 4216 - Probationary/Permanent Status)*

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Serious Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board. (Education Code 45113, 45312)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

(cf. 9321 - Closed Session)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm,

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In lieu of holding a Board hearing on the sufficiency of the causes for disciplinary action, the Board may delegate its authority to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board retains the authority to review the determination and to adopt or reject the recommended decision. (Education Code 45113)

If the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

*Legal Reference:*EDUCATION CODE*35161 Delegation of powers and duties**44009 Conviction of specified crimes**44010 Sex offense**44011 "Controlled substance offense" defined**44031 Personnel file**44940 Leave of absence; employee charged with mandatory or optional leave of absence offense**44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security**44990-44994 Testimony of minor witnesses at dismissal or suspension hearings**45101 Definitions (including "disciplinary action," "cause")**45109 Fixing of duties**45113 Rules and regulations for classified service in districts not incorporating the merit system**45123 Employment after conviction of sex or narcotics offense**45124 Dismissal of sexual psychopath**45202 Transfer of accumulated sick leave and other benefits following dismissal**45240-45320 Merit system, classified employees*CODE OF CIVIL PROCEDURE*1286.2 Grounds for vacating decision of arbitrator*GOVERNMENT CODE*11500-11529 Administrative adjudication**12900-12996 Fair Employment and Housing Act**54957 Brown Act open meeting laws; closed session*HEALTH AND SAFETY CODE*11054 Schedule I; substances included**11055 Schedule II, substances included**11056 Schedule III, substances included**11357-11361 Marijuana**11363 Peyote**11364 Opium**11370.1 Possession of controlled substances with a firearm*

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference: (continued)

PENAL CODE

187 Murder

667.5 Sex offenders

830.32 Peace officers employed by district

1192.7 Violent or serious felony

11165.2-11165.6 Child abuse or neglect, definitions

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

California School Employees Association v. Bonita Unified School District (2008) No. B200141

California School Employees v. Livingston Union School District (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District (1975) 52 Cal.App. 3rd 150, 155-156, 124 Cal. Rptr 830

Skelly v. State Personnel Board (1975) 15 Cal. 3d 194

Policy
adopted:

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)

3. Unlawful discrimination, including harassment, against any student or other employee

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure

5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records

6. Unsatisfactory performance

7. Unprofessional conduct

8. Dishonesty

9. Neglect of duty or absence without leave

10. Insubordination

11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance

(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

(cf. 4159/4259/4359 - Employee Assistance Program)

12. Destruction or misuse of district property

(cf. 4040 - Employee Use of Technology)

13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position

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

(cf. 4212 - Appointment and Conditions of Employment)

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)

17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 5145.2 - Freedom of Speech/Expression)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district (Education Code 45113)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

(cf. 4216 - Probationary/Permanent Status)

Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for a disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

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

Request for Board Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**Employment Status Pending a Hearing**

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

Regulation
approved:

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.

(cf. 4020 - Drug and Alcohol-Free Workplace)

- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave.
- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of district property.
- p. Violation of district, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.
- u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

- v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

2. Initiation and Notification of Charges

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

7. Hearing Procedures

- a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 1150 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.
- b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.
- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within 10 days after the proposed decision is filed by the Board. The Board may:

- (1) Adopt the proposed decision in its entirety.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

- (2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.
 - (3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
 - (4) Reject the proposed decision in its entirety.
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "7c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.
- e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.
8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

9. Compulsory Dismissal

The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the district ~~16.9~~

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)

The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

10. Extension of Compulsory Leave

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within 10 days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

Legal Reference: (see next page)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference:

EDUCATION CODE

35161 *Delegation of powers and duties*

44009 *Conviction of specified crimes*

44010 *Sex offense*

44011 *"Controlled substance offense" defined*

44940 *Leave of absence; employee charged with mandatory or optional leave of absence offense*

44940.5 *Compulsory leave of absence; procedures; extension; compensation; bond or security; reports*

45101 *Definitions (including "disciplinary action," "cause")*

45109 *Fixing of duties*

45113 *Rules and regulations for classified service in districts not incorporating the merit system*

45123 *Employment after conviction of sex or narcotics offense*

45302 *Demotion and removal from permanent classified service*

45303 *Additional cause for suspension or dismissal of employees in classified service*

45304 *Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense*

VEHICLE CODE

1808.8 *School bus drivers; dismissal for safety-related cause*

UNITED STATES CODE, TITLE 42

12101 -12213 *Americans With Disabilities Act*

COURT DECISIONS

California School Employees v. Livingston Union School District, (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975)

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIALS *Cy*
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICES AND ADMINISTRATIVE REGULATIONS – 5000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of Board Policies (BP) and Administrative Regulations (AR) that need to be revised:

- BP/AR 5123 – Promotion/Acceleration/Retention
- BP 5131 – Conduct
- BP 5131.8 – Mobile Communication Devices ~ New
- BP 5132 – Dress and Grooming
- AR 5141.26 – Tuberculosis Testing
- BP/AR 5142 - Safety

RECOMMENDATION:

Approve the first reading of revised Board Policies and Administrative Regulations – 5000 series.

LCAP GOAL AND ACTION/SERVICE:

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Revisions to Board Policies/Administrative Regulations
December 2019
5000 Series

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP 5123 - Promotion/Acceleration/Retention

(BP revised)

Policy updated to make minor revision reflecting current law pertaining to the requirement to provide remedial instruction to students who are recommended for retention or are identified as being at risk for retention.

BP 5131 – Conduct

(BP revised)

Policy updated to reflect **NEW LAW (AB 272)** which authorizes boards to limit or prohibit, except under specified circumstances, student use of smartphones while at school or while under the supervision and control of a district employee. Details regarding student use of mobile communication devices moved to BP 5131.8 - Mobile Communication Devices.

BP 5131.8 - Mobile Communication Devices

(BP added)

New policy reflects **NEW LAW (AB 272)** which authorizes boards to limit or prohibit student use of smartphones while at school or while under the supervision and control of a district employee, except under specified circumstances (i.e., in an emergency, with permission of teacher or administrator, when directed by student's health care provider, when required by student's individualized education program). Policy also addresses reasonable search of students' mobile communication devices, employees' authority to confiscate a device, and discipline for off-campus use of a mobile communication device which poses a threat of danger to the safety of students, staff, or district property or substantially disrupts school activities.

BP 5132 - Dress and Grooming

(BP revised)

Policy updated to reflect **NEW LAW (SB 188)** which prohibits discrimination against traits historically associated with race, including hair texture and "protective hairstyles" such as braids, locks, and twists.

AR 5141.26 - Tuberculosis Testing

(AR revised)

Regulation updated to reflect guidance from the California Department of Public Health and the Child Health and Disability Prevention office of the California Department of Health Care Services clarifying that the health screening for school entry includes testing for tuberculosis only when required by the local health department. Regulation also reflects law authorizing parents/guardians to submit a signed waiver indicating that they do not want or are unable to obtain the health screening for their child.

BP/AR 5142 – Safety

(BP/AR revised)

Policy updated to add the district's responsibility to provide for the proper supervision of students during before- and after-school programs, morning drop-off at school, and afternoon pick-up and to provide for appropriate student instruction in emergency procedures. Policy adds section reflecting the requirement to print safety hotline numbers on student identification cards for students in grades 7-12, including the National Suicide Prevention Lifeline and, pursuant to **NEW LAW (SB 316)**, the National Domestic Violence Hotline. Regulation updated to add communication of school rules to students, the responsibility of individuals supervising students to remain alert for unauthorized persons, and the requirement for inspection of new playgrounds by a certified safety inspector. Regulation also updates the list of activities with safety risks in accordance with the legal definition of "hazardous recreational activity" and prohibits any such activity unless it is properly supervised, students wear protective gear as appropriate, and participants have insurance coverage. Section on "Laboratory Safety" expanded to include student instruction in safety procedures, proper handling of hazardous materials and bloodborne pathogens, and accessibility of emergency information and first aid supplies.

5000 Series

First Reading of ***Revised*** Board Policies & Admin. Regulations

- 5123
- 5131
- 5131.8 ~ New BP
- 5132
- 5141.2
- 5142

PROMOTION/ACCELERATION/RETENTION

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6170.1 - Transitional Kindergarten)

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between grades 5 and 6
5. Between the end of the intermediate grades and the beginning of the middle school grades
6. Between the end of the middle school grades and the beginning of the high school grades

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

-District Benchmark Assessments in more than 1 subject

-Teacher/Principal recommendation

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

PROMOTION/ACCELERATION/RETENTION (continued)

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-8 is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

*Legal Reference:*EDUCATION CODE

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education program

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

PROMOTION/ACCELERATION/RETENTION (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
FAQs Promotion, Retention, and Grading (students with disabilities)
FAQs Pupil Promotion and Retention
Kindergarten Continuance Form
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>

(12/13 12/15) 7/19

Policy
Adopted:

CONDUCT

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

CONDUCT (continued)

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. Use of a cell phone, smart watch, pager, or other mobile communications device during instructional time or in an unauthorized manner in violation of district policy

(cf. 5131.8 - Mobile Communication Devices)

(cf. 6163.4 - Student Use of Technology)

10. Plagiarism or dishonesty on schoolwork or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Wearing of any attire that violates district or school dress codes, including gang-related apparel

(cf. 5132 - Dress and Grooming)

(cf. 5136 - Gangs)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

CONDUCT (continued)

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

(Legal Reference: (see next page))

CONDUCT (continued)*Legal Reference:*EDUCATION CODE200-262.4 *Prohibition of discrimination*32280-32289 *Comprehensive safety plan*35181 *Governing board authority to set policy on responsibilities of students*35291-35291.5 *Rules*44807 *Duty concerning conduct of students*48900-48925 *Suspension and expulsion*51512 *Prohibition against electronic listening or recording device in classroom without permission*CIVIL CODE1714.1 *Liability of parents and guardians for willful misconduct of minor*PENAL CODE288.2 *Harmful matter with intent to seduce*313 *Harmful matter*417.25-417.27 *Laser scope or laser pointer*647 *Use of camera or other instrument to invade person's privacy; misdemeanor*653.2 *Electronic communication devices, threats to safety*VEHICLE CODE23123-23124 *Prohibitions against use of electronic devices while driving*CODE OF REGULATIONS, TITLE 5300-307 *Duties of students*UNITED STATES CODE, TITLE 4220 USC 1681-1688 Title LX, 1972 *Education Act Amendments*COURT DECISIONS*J.C. v. Beverly Hills Unified School District* (2010) 711 F.Supp.2d 1094*LaVine v. Blaine School District* (2001, 9th Cir.) 257 F.3d 981*Emmett v. Kent School District No. 415* (2000) 92 F.Supp. 1088*Bethel School District No. 403 v. Fraser* (1986) 478 U.S. 675*New Jersey v. T.L.O.* (1985) 469 U.S. 325*Tinker v. Des Moines Independent Community School District* (1969) 393 U.S. 503*Management Resources:*CSBA PUBLICATIONS*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011*Providing a Safe, Nondiscriminatory School Environment for All Students*, Policy Brief, April 2010*Cyberbullying: Policy Considerations for Boards*, Policy Brief, July 2007CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Bullying at School*, 2003WEB SITESCSBA: <http://www.csba.org>California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>National School Safety Center: <http://www.schoolsafety.us>U.S. Department of Education: <http://www.ed.gov>

(3/10 3/12) 10/19

Policy
Adopted:**SAN YSIDRO SCHOOL DISTRICT**San Ysidro, California **1610****Page 10 of 51**

MOBILE COMMUNICATION DEVICES

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.2 - Bullying)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.9 - Academic Honesty)
(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 6163.4 - Student Use of Technology)

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

(cf. 6159 - Individualized Education Program)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)
(cf. 5145.2 - Freedom of Speech/Expression)

MOBILE COMMUNICATION DEVICES (continued)

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

*Legal Reference:*EDUCATION CODE200-262.4 *Prohibition of discrimination*32280-32289 *Comprehensive safety plan*35181 *Governing board authority to set policy on responsibilities of students*35291-35291.5 *Rules*44807 *Duty concerning conduct of students*48900-48925 *Suspension and expulsion, especially:*48901.5 *Regulation of possession or use of electronic signaling devices*48901.7 *Limitation or prohibition of student use of cell phones*51512 *Prohibition against electronic listening or recording device in classroom without permission*CIVIL CODE1714.1 *Liability of parents and guardians for willful misconduct of minor*PENAL CODE288.2 *Harmful matter with intent to seduce*313 *Harmful matter*647 *Use of camera or other instrument to invade person's privacy; misdemeanor*653.2 *Electronic communication devices, threats to safety*VEHICLE CODE23123-23124 *Prohibitions against use of electronic devices while driving*CODE OF REGULATIONS, TITLE 5300-307 *Duties of students*UNITED STATES CODE, TITLE 201681-1688 *Discrimination based on sex or blindness*COURT DECISIONS*J.C. v. Beverly Hills Unified School District* (2010) 711 F.Supp.2d 1094*New Jersey v. T.L.O.* (1985) 469 U.S. 325*Tinker v. Des Moines Independent Community School District* (1969) 393 U.S. 503

Management Resources: (see next page)

MOBILE COMMUNICATION DEVICES (continued)

Management Resources:

CSBA PUBLICATIONS

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

National School Safety Center: <http://www.schoolsafety.us>

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

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DRESS AND GROOMING

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

DRESS AND GROOMING (continued)**Gang-Related Apparel**

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Uniforms

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

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

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

Legal Reference: (see next page)

DRESS AND GROOMING (continued)

Legal Reference:

EDUCATION CODE

212.1 *Nondiscrimination based on race or ethnicity*

220 *Nondiscrimination*

32281 *School safety plans*

35183 *School dress codes; uniforms*

35183.5 *Sun-protective clothing*

48907 *Student exercise of free expression*

49066 *Grades; effect of physical education class apparel*

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419

Harper v. Poway Unified School District (2006) 445 App. 3d 166

*Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)
827 F.Supp. 1459*

Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

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TUBERCULOSIS TESTING

Any student who is reasonably suspected of having active tuberculosis shall be excluded from attendance at a district school until the student provides evidence of a certificate showing that the student is free of communicable tuberculosis. (Health and Safety Code 121485, 121495, 121505)

(cf. 5112.2 - Exclusions from Attendance)

Students shall be screened or tested for tuberculosis under the following circumstances:

1. When required by the local health department as part of the comprehensive health screening required for school entry, parents/guardians shall, within 90 days after their child's entry into first grade, provide certification evidencing that their child has been screened for risk of tuberculosis within the preceding 18 months. Such certification shall be on a form approved by the California Department of Health Care Services. (Health and Safety Code 124040, 124085, 124105)

In lieu of the certificate, parents/guardians may submit a signed waiver indicating that they do not want or are unable to obtain the health screening and evaluation services for their child and, if applicable, the reasons that they are unable to obtain the services. (Health and Safety Code 124085)

(cf. 5141.32 - Health Screening for School Entry)

2. Whenever ordered by the local health officer for the preservation and protection of public health, students seeking admission for the first time to a district school at any grade level shall submit to tuberculosis testing. Students who are subject to the health officer's order shall be admitted to school as follows:
 - a. The Superintendent or designee shall unconditionally admit any student who, prior to admission, submits a certificate signed by any public or private medical provider indicating that the student has completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall exempt a student from the requirement to submit a certificate if the student's parent/guardian, or the student if an emancipated minor, provides an affidavit stating that the required examination is contrary to one's personal beliefs. If there is probable cause to believe that such a student has active tuberculosis, the student may be excluded from school until the

TUBERCULOSIS TESTING (continued)

Superintendent or designee is satisfied that the student is not afflicted. (Health and Safety Code 121505)

- b. A student who has not submitted the certificate or personal beliefs affidavit may be admitted on condition that the student receives an approved tuberculin skin test within 10 school days after admission. A student who has had a positive skin test and has not subsequently obtained a chest x-ray may be admitted on condition that the student receives a chest x-ray within 20 school days after admission. Any student who fails to provide the certificate within those time periods shall be prohibited from further attendance until the certificate is provided. (Health and Safety Code 121495; 22 CCR 41315, 41327)
 - c. Whenever the local health officer so orders, a student may be required to complete an additional examination and provide another certificate indicating that the student is free of communicable tuberculosis. (Health and Safety Code 121485)
 - d. At the discretion of the local health officer, the district may admit a student without a certificate if the student is undergoing or has already undergone preventive treatment for tuberculosis infection or treatment for tuberculosis disease. (22 CCR 41319)
3. Whenever the Superintendent or designee suspects that a student who has not been examined for tuberculosis either has the disease or has been exposed, the Superintendent or designee shall immediately report by telephone to the local health officer. When required by the local health officer, the district shall exclude the student from school until the student is certified to be free of communicable tuberculosis. (22 CCR 41329)

The Superintendent or designee shall maintain a record of any student's tuberculosis examination as part of the student's mandatory permanent student record. (22 CCR 41323)

(cf. 5125 - Student Records)

The Superintendent or designee shall annually file a report with the local health department on the results of tuberculosis examinations for all new district students required to complete such examinations in accordance with item #2 above, including, but not necessarily limited to, the number of students unconditionally and conditionally admitted and the number of students exempted on the basis of their personal beliefs. (22 CCR 41325)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)

TUBERCULOSIS TESTING (continued)

Legal Reference:

EDUCATION CODE

48213 Prior parent notification of exclusion; exemption

49451 Parent's refusal to consent to health examination

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school when residence is in isolation or quarantine

121365 Duties of local health officer re: tuberculosis control

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with contagious disease

432 Student records

3030 Eligibility for special education; tuberculosis that adversely affects educational performance

CODE OF REGULATIONS, TITLE 22

41301-41329 Tuberculosis tests for students

Management Resources:

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

California Immunization Handbook: Pre-Kindergarten (Child-Care) and School Immunization Requirements, 10th Edition, July 2019

WEB SITES

American Lung Association: <http://www.lungusa.org>

California Department of Health Care Services: <https://www.dhcs.ca.gov>

California Department of Public Health, Tuberculosis Control: <http://www.cdph.ca.gov/programs/tb>
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/TBCB.aspx>

Centers for Disease Control and Prevention, Tuberculosis: <http://www.cdc.gov/tb>

Health Officers Association of California: <http://www.calhealthofficers.org>

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SAFETY

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3320 - Claims and Actions Against the District)
(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 3515 - Campus Security)
(cf. 3515.21 - Unmanned Aircraft Systems (Drones))
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3530 - Risk Management/Insurance)
(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5142.1 - Identification and Reporting of Missing Children)
(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)
(cf. 6163.2 - Animals at School)
(cf. 7111 - Evaluating Existing Buildings)

School staff shall be responsible for the proper supervision of students at all times when students are subject to district rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using district transportation.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)
(cf. 6142.8 - Comprehensive Health Education)

Crossing Guards/Student Safety Patrol

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a student safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

SAFETY

(cf. 5142.2 - Safe Routes to School Program)

Student Identification Cards and Safety Information

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5, 217)

1. The National Suicide Prevention Lifeline telephone number and, at the district's discretion, the Crisis Text Line and/or a local suicide prevention hotline telephone number

(cf. 5141.52 - Suicide Prevention)

2. The National Domestic Violence Hotline

(cf. 5141.4 - Child Abuse Prevention and Reporting)

*Legal Reference:*EDUCATION CODE

8482-8484.65 *After School Education and Safety Program*

17280-17317 *Building approvals (Field Act)*

17365-17374 *Fitness of school facilities for occupancy*

32001 *Fire alarms and drills*

32020 *School gates; entrances for emergency vehicles*

32030-32034 *Eye safety*

32040 *First aid equipment*

32225-32226 *Two-way communication devices in classrooms*

32240-32245 *Lead-free schools*

32250-32254 *CDE school safety and security resources unit*

32280-32289 *Safety plans*

44807 *Duty of teachers concerning conduct of students*

44808 *Exemption from liability when students are not on school property*

44808.5 *Permission for students to leave school grounds; notice (high school)*

45450-45451 *Crossing guards*

48900 *Hazing*

49300-49307 *School safety patrol*

49330-49335 *Injurious objects*

49341 *Hazardous materials in school science laboratories*

51202 *Instruction in personal and public health and safety*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act*

HEALTH AND SAFETY CODE

115725-115735 *Playground safety*

115775-115800 *Wooden playground equipment*

116046 *Issuance of best practices guidelines for K-12 pool safety*

PENAL CODE

245.6 *Hazing*

Legal Reference continued: (see next page)

SAFETY (continued)*Legal Reference: (continued)*PUBLIC RESOURCES CODE5411 *Purchase of equipment usable by persons with disabilities*VEHICLE CODE21100 *Rules and regulations; crossing guards*21201 *Rules for operation of bicycle on roadway*21212 *Use of helmets*42200 *Fines and forfeitures, disposition by cities*42201 *Fines and forfeitures, disposition by counties*CODE OF REGULATIONS, TITLE 5202 *Exclusion of students with a contagious disease*570-576 *School safety patrols*5531 *Supervision of social activities*5552 *Playground supervision*5570 *When school shall be open and teachers present*14030 *Standards for development of plans for the design and construction of school facilities*14103 *Bus driver; authority over pupils*COURT DECISIONS*J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123**Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337**Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138**Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990**Knight v. Jewett, (1992) 3 Cal.4th 296, 313**Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508**Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741**Management Resources:*AMERICAN SOCIETY FOR TESTING AND MATERIALS*F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2005 2017*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Science Safety Handbook for California Public Schools, 2014*U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS*Handbook for Public Playground Safety Pub. No. 325, 1994, rev. 1997 Handbook, 2010*WEB SITES*American Society for Testing and Materials: <http://www.astm.org>**California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>**California Department of Public Health: <http://www.cdph.ca.gov>**Centers for Disease Control and Prevention: <http://www.cdc.gov>**Environmental Protection Agency: <http://www.epa.gov>**U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>**U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osers/osep/gtss.html>*

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SAFETY

Each principal or designee shall establish emergency procedures, rules for student conduct, and rules for the safe and appropriate use of school facilities, equipment, and materials consistent with law, Board policy, and administrative regulation. The rules shall be communicated to students, distributed to parents/guardians and readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Release of Students

Students shall be released during the school day only to the custody of an adult who is one of the following:

1. The student's custodial parent/guardian

(cf. 5021 - Noncustodial Parents)

2. An adult authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, provided the principal or designee verifies the adult's identity

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. An authorized law enforcement officer acting in accordance with law

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

(cf. 5145.13 - Response to Immigration Enforcement)

4. An adult taking the student to emergency medical care at the request of the principal or designee

(cf. 5141 - Health Care and Emergencies)

Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time that school starts. (5 CCR 5570)

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

SAFETY (continued)

The principal or designee shall require all individuals supervising students to remain alert for unauthorized persons and dangerous conditions, promptly report any such observations to the principal or designee, and file a written report as appropriate.

(cf. 1250 - Visitors/Outsiders)
(cf. 3530 - Risk Management/Insurance)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision
2. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

At any school where playground supervision is not otherwise provided, the principal or designee shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help prevent problems and resolve conflicts among students. Such training shall be documented and kept on file.

(cf. 1240 - Volunteer Assistance)
(cf. 3515.2 - Disruptions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 5131.4 - Student Disturbances)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Student Safety Patrols

A school safety patrol shall be composed of students of the school selected by the principal and shall serve only with written consent of the students and their parents/guardians. Patrol members shall be at least 10 years old and at least in the fifth grade. (Education Code 49302; 5 CCR 571)

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

SAFETY (continued)

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards. (Health and Safety Code 115725)

Activities with Safety Risks

Due to concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing
6. Cross-country or downhill skiing
7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo

SAFETY (continued)

11. Archery
12. Mountain bicycling
13. Rock climbing
14. Rocketeering
15. Surfing
16. Other activities determined by the principal to have a high risk to student safety

(cf. 5143 - Insurance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6153 - School-Sponsored Trips)

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter, or skateboard, or wear in-line or roller skates, upon a street, bikeway, or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet.

Laboratory Safety

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to implement and regularly review these procedures.

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.

(cf. 3514.1 - Hazardous Substances)

Bloodborne pathogens shall be handled in accordance with the district's exposure control plan.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5141.22 - Infectious Diseases)

The district's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.

Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

SAFETY (continued)

Hearing Protection

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee may **also** provide hearing conservation education to teach students ways to protect their hearing.

Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32030, 32031, 32033)

(cf. 3260 - Fees and Charges)

Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.

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5000 Series

Current Versions of Board Policies & Admin. Regulations

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- 5132
- 5141.2
- 5142

PROMOTION/ACCELERATION/RETENTION

The Board of Education expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

- (cf. 6011 - Academic Standards)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)*
- (cf. 6170.1 - Transitional Kindergarten)*

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

- District Benchmark Assessments in more than 1 subject
- Teacher/Principal recommendation

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

PROMOTION/ACCELERATION/RETENTION (continued)

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When any student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The Superintendent or designee also may offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

*Legal Reference:*EDUCATION CODE

37252-37254.1 *Supplemental instruction*

46300 *Method of computing average daily attendance*

48010 *Admittance to first grade*

48011 *Promotion/retention following one year of kindergarten*

48070-48070.5 *Promotion and retention*

56345 *Elements of individualized education plan*

60640-60649 *California Assessment of Student Performance and Progress*

CODE OF REGULATIONS, TITLE 5

200-202 *Admission and exclusion of students*

PROMOTION/ACCELERATION/RETENTION (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
FAQs Promotion, Retention, and Grading (students with disabilities)
FAQs Pupil Promotion and Retention
Kindergarten Continuance Form
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

(cf. 5111 - Admission)

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher

PROMOTION/ACCELERATION/RETENTION (continued)

determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

PROMOTION/ACCELERATION/RETENTION (continued)

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board of Education within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)

CONDUCT

The Board of Education believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

CONDUCT (continued)

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

CONDUCT (continued)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference: (see next page)

CONDUCT (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title LX, 1972 Education Act Amendments

COURT DECISIONSJ.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675New Jersey v. T.L.O., (1985) 469 U.S. 325Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503*Management Resources:*CSBA PUBLICATIONSSafe Schools: Strategies for Governing Boards to Ensure Student Success, 2011Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSBullying at School, 2003WEB SITESCSBA: <http://www.csba.org>California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>Center for Safe and Responsible Internet Use: <http://cyberbully.org>National School Boards Association: <http://www.nsba.org>National School Safety Center: <http://www.schoolsafety.us>U.S. Department of Education: <http://www.ed.gov>

DRESS AND GROOMING

The Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)
(cf. 5145.2 - Freedom of Speech/Expression)

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

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

Uniforms

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

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

DRESS AND GROOMING (continued)

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

Legal Reference:

EDUCATION CODE

32281 *School safety plans*

35183 *School dress codes; uniforms*

35183.5 *Sun-protective clothing*

48907 *Student exercise of free expression*

49066 *Grades; effect of physical education class apparel*

CODE OF REGULATIONS, TITLE 5

302 *Pupils to be neat and clean on entering school*

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

DRESS AND GROOMING

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

(cf. 0420 - School Plans/Site Councils)

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

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

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

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

(cf. 3260 - Fees and Charges)

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

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

DRESS AND GROOMING (continued)

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

Gang-Related Apparel

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

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

Uniforms

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

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

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

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

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

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

TUBERCULOSIS TESTING

Any student with active tuberculosis shall be excluded from attendance at a district school in accordance with AR 5112.2 - Exclusions from Attendance.

(cf. 5112.2 - Exclusions from Attendance)

Students shall be screened or tested for tuberculosis under the following circumstances:

1. As part of the comprehensive health screening required for school entry, parents/guardians shall provide evidence within 90 days after their child's entry into first grade that their child has been screened for risk of tuberculosis within the preceding 18 months. (Health and Safety Code 124040, 124085)

(cf. 5141.32 - Health Screening for School Entry)

2. Whenever ordered by the local health officer, students seeking admission for the first time to a district school at any grade level shall submit to tuberculosis testing. Any student subject to the order shall be admitted to school as follows:

- a. The Superintendent or designee shall unconditionally admit the student if he/she, prior to admission, submits a certificate, signed by any public or private medical provider, indicating that he/she has completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

A student shall not be required to obtain the certificate if his/her parent/guardian or custodian provides the Superintendent or designee with an affidavit stating that the required examination is contrary to his/her beliefs. If there is probable cause to believe that such a student has active tuberculosis, he/she may be excluded from school until the Superintendent or designee is satisfied that he/she is not afflicted. (Health and Safety Code 121505)

- b. A student who has not submitted the certificate may be conditionally admitted provided that he/she receives an approved tuberculin skin test within 10 school days after admission. A student who had a positive skin test and has not subsequently obtained a chest x-ray may be conditionally admitted if he/she receives a chest x-ray within 20 school days after admission. Any student who fails to provide the certificate within those time periods shall be prohibited from further attendance until he/she provides the certificate. (Health and Safety Code 121495; 22 CCR 41315, 41327)

TUBERCULOSIS TESTING (continued)

- c. Whenever the local health officer so orders, a student may be required to complete an additional examination and provide another certificate indicating that he/she is free of communicable tuberculosis. (Health and Safety Code 121485)
 - d. At the discretion of the local health officer, the district may admit a student without a certificate if he/she is undergoing or has already undergone preventive treatment for tuberculosis infection or treatment for tuberculosis disease. (22 CCR 41319)
3. Whenever the Superintendent or designee suspects that a student who has not been examined for tuberculosis either has the disease or has been exposed, he/she shall immediately report by telephone to the local health officer. When required by the local health officer, the district shall exclude the student from school until he/she is certified to be free of communicable tuberculosis. (22 CCR 41329)

The Superintendent or designee shall maintain a record of any student's tuberculosis examination as part of the student's mandatory permanent student record. (22 CCR 41323)

(cf. 5125 - Student Records)

The Superintendent or designee shall annually file a report with the local health department on the results of tuberculosis examinations for all individuals required to complete such examinations in accordance with item #2 above, including, but not necessarily limited to, the number of individuals unconditionally and conditionally admitted and the number of individuals exempted on the basis of their personal beliefs. (22 CCR 41325)

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5141.22 - Infectious Diseases)

Legal Reference: (see next page)

TUBERCULOSIS TESTING (continued)

Legal Reference:

EDUCATION CODE

48213 *Prior parent notification of exclusion; exemption*

49451 *Parent's refusal to consent to health examination*

HEALTH AND SAFETY CODE

120230 *Exclusion of persons from school when residence is in isolation or quarantine*

121365 *Duties of local health officer re: tuberculosis control*

121475-121520 *Tuberculosis tests for students*

124025-124110 *Child Health and Disability Prevention Program*

CODE OF REGULATIONS, TITLE 5

202 *Exclusion of students with contagious disease*

432 *Student records*

3030 *Eligibility for special education; tuberculosis that adversely affects educational performance*

CODE OF REGULATIONS, TITLE 22

41301-41329 *Tuberculosis tests for students*

Management Resources:

WEB SITES

American Lung Association: <http://www.lungusa.org>

California Department of Public Health, Tuberculosis Control: <http://www.cdph.ca.gov/programs/tb>

Centers for Disease Control and Prevention, Tuberculosis: <http://www.cdc.gov/tb>

Health Officers Association of California: <http://www.calhealthofficers.org>

SAFETY

The Board of Education recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 3320 - Claims and Actions Against the District)*
- (cf. 3514 - Environmental Safety)*
- (cf. 3514.1 - Hazardous Substances)*
- (cf. 3514.2 - Integrated Pest Management)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 3530 - Risk Management/Insurance)*
- (cf. 3542 - School Bus Drivers)*
- (cf. 3543 - Transportation Safety and Emergencies)*
- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)*
- (cf. 5131 - Conduct)*
- (cf. 5131.1 - Bus Conduct)*
- (cf. 5141 - Health Care and Emergencies)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5142.1 - Identification and Reporting of Missing Children)*
- (cf. 5143 - Insurance)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6163.2 - Animals at School)*
- (cf. 7111- Evaluating Existing Buildings)*

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using district transportation to and from school.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

- (cf. 5141.7 - Sun Safety)*
- (cf. 6142.8 - Comprehensive Health Education)*

Crossing Guards/Safety Patrol

To assist students in safely crossing streets adjacent to or near school sites, the Superintendent or designee may employ crossing guards and/or establish a safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

SAFETY (continued)*Legal Reference:*EDUCATION CODE

8482-8484.6 *After School Education and Safety Program*
 17280-17317 *Building approvals (Field Act)*
 17365-17374 *Fitness of school facilities for occupancy*
 32001 *Fire alarms and drills*
 32020 *School gates; entrances for emergency vehicles*
 32030-32034 *Eye safety*
 32040 *First aid equipment*
 32225-32226 *Two-way communication devices in classrooms*
 32240-32245 *Lead-free schools*
 32250-32254 *CDE school safety and security resources unit*
 32280-32289 *Safety plans*
 44807 *Duty of teachers concerning conduct of students*
 44808 *Exemption from liability when students are not on school property*
 44808.5 *Permission for students to leave school grounds; notice (high school)*
 45450-45451 *Crossing guards*
 48900 *Hazing*
 49300-49307 *School safety patrol*
 49330-49335 *Injurious objects*
 49341 *Hazardous materials in school science laboratories*
 51202 *Instruction in personal and public health and safety*

GOVERNMENT CODE

810-996.6 *California Tort Claims Act*

HEALTH AND SAFETY CODE

115725-115735 *Playground safety*
 115775-115800 *Wooden playground equipment*
 115810-115816 *Playground safety and recycling grants*

PENAL CODE

245.6 *Hazing*

PUBLIC RESOURCES CODE

5411 *Purchase of equipment usable by physically disabled persons*

VEHICLE CODE

21100 *Rules and regulations; crossing guards*
 21212 *Use of helmets*
 42200 *Fines and forfeitures, disposition by cities*
 42201 *Fines and forfeitures, disposition by counties*

CODE OF REGULATIONS, TITLE 5

202 *Exclusion of students with a contagious disease*
 570-576 *School safety patrols*
 5531 *Supervision of social activities*
 5552 *Playground supervision*
 5570 *When school shall be open and teachers present*
 14103 *Bus driver; authority over pupils*

Legal Reference continued: (see next page)

SAFETY (continued)

Legal Reference: (continued)

COURT DECISIONS

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138
Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990
Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508
Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

Handbook for Public Playground Safety, Pub. No. 325, 1994, rev. 1997

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lc/ss>
California Department of Public Health: <http://www.cdph.ca.gov>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Environmental Protection Agency: <http://www.epa.gov>
U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>
U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osep/gtss.html>

SAFETY

Each principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules may be distributed to parents/guardians and may be readily available at the school at all times.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Release of Students

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.

(cf. 5021 - Noncustodial Parents)

2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. The adult is an authorized law enforcement officer acting in accordance with law.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

4. The adult is taking the student to emergency medical care at the request of the principal or designee.

(cf. 5141 - Health Care and Emergencies)

Supervision of Students

The principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

(cf. 3530 - Risk Management/Insurance)

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Where playground supervision is not otherwise provided, provide for certificated

SAFETY (continued)

- employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)
2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision
 3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

(cf. 1240 - Volunteer Assistance)
(cf. 3515.2 - Disruptions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 5131.4 - Student Disturbances)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Student Safety Patrols

School safety patrols may be used at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

A school safety patrol may be composed of students of the school who are selected by the principal and shall serve only with written consent from their parent/guardian. Patrol members shall be at least 10 years old and at least in the fifth grade. (Education Code 49302; 5 CCR 571)

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

Playground Safety

Any new playground or any replacement of equipment or modification of components shall be

SAFETY (continued)

an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. (Health and Safety Code 115725)

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter, or skateboard upon a street, bikeway, or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students also shall be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *CM*
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICES AND ADMINISTRATIVE REGULATIONS – 6000 SERIES

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is the list of Board Policies (BP) and Administrative Regulations (AR) that are being revised:

- BP/AR 6142.2 – Word Language Instruction
- AR 6145.2 – Athletic Competition
- BP/AR 6174 – Education for English Learners
- BP 6179 – Supplemental Instruction

RECOMMENDATION:

Approve the first reading of revised Board Policies and Administrative Regulations – 6000 series.

LCAP GOAL AND ACTION/SERVICE:

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: *mmw*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A

(Amount)

N/A

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Revisions to Board Policies/Administrative Regulations
December 2019
6000 Series

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

BP/AR 6142.2 - World Language Instruction

(BP/AR revised)

Policy and regulation retitled to be consistent with terminology used in the Education Code pursuant to **NEW LAW (AB 2319, 2018)**. Policy and regulation updated to reflect **NEW STATE CONTENT STANDARDS** for world language instruction adopted by the State Board of Education in January 2019. Policy also reflects University of California guidance stating that American Sign Language courses may be used to satisfy world language coursework requirements for college admission, and reflects state regulations which require districts to establish a process for receiving and responding to input from parents/guardians and other stakeholders regarding the world language in which instruction will be provided in any program sufficient to produce proficiency in a world language. Regulation also reflects state regulation requiring districts to establish a process for receiving and responding to parent/guardian requests to establish a language acquisition program not currently offered at the school.

AR 6145.2 - Athletic Competition

(AR revised)

Regulation updated to reflect **NEW LAW (SB 1109, 2018)** which requires districts to annually provide student athletes and their parents/guardians an opioid fact sheet produced by the Centers for Disease Control and Prevention.

BP/AR 6174 Education for English Learners

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2735, 2018)** which prohibits districts from denying English learners the opportunity to enroll in core curricular courses or courses needed for middle school promotion, high school graduation, or college admission. Policy also adds requirement to annually designate a district and site coordinator to oversee administration of the English Language Proficiency Assessments for California (ELPAC). Regulation reflects **NEW STATE REGULATION (Register 2019, No. 1)** which establishes a timeframe for notifying parents/guardians of their child's ELPAC test results when the results are received from the test contractor after the last day of instruction for the school year.

BP 6179 - Supplemental Instruction

(BP revised)

Policy updated to reflect current law requiring the provision of remedial instruction to students who are recommended for retention or are identified as being at risk for retention. Policy also deletes reference to federal Title I program improvement which is no longer operational, and clarifies that schools identified for comprehensive or targeted school improvement may, but are not required to, offer supplemental instruction.

6000 Series

First Reading of *Revised* Board Policies & Admin. Regulations

- 6142.2
- 6145.2
- 6174
- 6179

WORLD LANGUAGE INSTRUCTION

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Governing Board shall provide students with opportunities to develop communicative and cultural proficiency and literacy in one or more world languages.

The Superintendent or designee shall recommend a variety of world languages to be taught in the district's educational program based on student interest, community needs, and available resources.

For any program designed to provide students with instruction in a language other than English to a degree sufficient to produce proficiency in that language, the Superintendent or designee shall establish a process for schools to receive and respond to input from parents/guardians and other stakeholders regarding the non-English language in which instruction will be provided. (5 CCR 11300, 11312)

If American Sign Language courses are offered, they shall be open to all students regardless of hearing status.

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework, and, as applicable, California university admission requirements for languages other than English.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

Instruction in world languages shall be offered to secondary school students beginning no later than grade 7 and shall be designed to develop students' skills in understanding, speaking, reading, and writing the language. (Education Code 51220)

(cf. 6143 - Courses of Study)

The district may establish a dual-language immersion 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. (Education Code 305-306)

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

WORLD LANGUAGE INSTRUCTION (continued)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards, including communicative and cultural proficiency and understanding.

(cf. 4131 - Staff Development)

Students shall obtain credit toward high school graduation requirements for completing one year of a world language or American Sign Language course during grades 9-12.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

The district shall determine appropriate measures to assess student proficiency in world languages offered by district schools. Students who have attained a high level of proficiency may receive recognition for their achievement, including the State Seal of Biliteracy for students graduating from high school.

(cf. 5126 - Awards for Achievement)

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, whether the district's world language program is serving the grade levels required by law, a description of the district's curriculum and the extent to which it is aligned with the state's content standards and curriculum framework, student achievement of district standards for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

*Legal Reference:*EDUCATION CODE

300-310 *Education for English learners*

42238.02 *Local control funding formula; class size requirements*

44253.1-44253.11 *Qualifications of teachers of English learners*

44256-44257 *Credential requirements, including teachers of world language*

48980 *Parental notifications*

51212 *Legislative intent to encourage world language instruction in grades 1-6*

51220 *Courses of study, grades 7-12*

51225.3 *High school graduation requirements*

51243-51245 *Alternative credits toward graduation for world language instruction in private school*

Legal Reference continued: (see next page)

WORLD LANGUAGE INSTRUCTION (continued)*Legal Reference: (continued)*

60119 *Public hearings, instructional materials*
 60605.3 *Content standards for world language instruction*
 60605.5 *Revision of state standards for world language instruction*
CODE OF REGULATIONS, TITLE 5
 1632 *Alternative credits toward graduation for foreign language instruction in private school*
 11300-11316 *Multilingual and English learner education*

*Management Resources:*CSBA PUBLICATIONS

Proposition 58 Regulations, Fact Sheet, August 2018

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Multilingual FAQ

World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve

California Spanish Assessment Fact Sheet, March 2019

World Language Standards for California Public Schools, Kindergarten Through Grade Twelve, January 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2017

CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

Guiding Principles for Dual Language Education, Second Edition, 2007

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 Serving English Learners

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

21st Century Skills Map: World Languages, January 2011

UNIVERSITY OF CALIFORNIA PUBLICATIONS

A-G Policy Resource Guide

WEB SITES

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

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education, World Languages: <http://www.cde.ca.gov/ci/fl>

California Language Teachers' Association: <http://www.clta.net>

California World Language Project: <http://www.stanford.edu/group/CFLP>

Center for Applied Linguistics: <http://www.cal.org>

National Education Association, Partnership for 21st Century Skills: <http://www.nea.org/home/34888.htm>

University of California, A-G Policy Resource Guide: <http://www.ucop.edu/agguide>

(3/09 3/17) 7/19

Policy
 Adopted:

SAN YSIDRO SCHOOL DISTRICT
 San Ysidro, California
Page 6 of 59

WORLD LANGUAGE INSTRUCTION**Content of Instruction**

The district's instructional program for world languages shall be designed to help students gain knowledge about language systems, develop a cultural understanding, and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

1. Communication: Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages-, including:
 - a. Language functions, which describe the purposes to which language is used in culturally appropriate real-world communication
 - b. The setting in which the language is used, which includes using language both within and beyond the classroom to interact in local communities and abroad
 - c. The structures used to convey meaning
2. Cultures: Students shall receive instruction that allows them to interact, with competence and understanding, with those who are native to the language in a variety of real-world settings.

(cf. 6142.94 - History-Social Science Instruction)

3. Connections: Students shall receive instruction that builds, reinforces, and expands their knowledge of other disciplines using the language to develop critical thinking and problem-solving skills, and to access and evaluate information and diverse perspectives readily or only available through the language and its cultures, in order to function in real-world, academic and career-related settings.

(cf. 6011 - Academic Standards)

Dual-Language Immersion Programs

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program

WORLD LANGUAGE INSTRUCTION (continued)

2. A 90:10 model in which instruction is provided in the non-English target language for 90 percent of the time and in English for 10 percent of the time during the first year of the program, decreasing the percentage of time in the non-English language in each subsequent year until there is a 50:50 balance of languages

(cf. 6174 - Education for English Learners)

Native English speakers shall generally be admitted into the program only during the first grade level at which the program is offered, and English learners during the first or second grade level at which the program is offered. Bilingual students may enter the program at any time. On a case-by-case basis, the Superintendent or designee may admit a student later in the program if it is determined that the student is adequately prepared for and will benefit from the program.

In enrolling students for the program, the district shall strive to maintain a ratio of half native English speakers and half English learners, and such ratio shall not fall below one-third for either language group except under exceptional circumstances.

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs 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)

If a school does not currently offer a dual-language immersion program but the parents/guardians of 30 or more students at the school, or 20 or more students at the same grade level, request the establishment of such a program, the district shall determine whether it is possible to offer such a program in accordance with 5 CCR 11311.

(3/09 3/17) 7/19

Regulation
Adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California **1611**

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ATHLETIC COMPETITION

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (Education Code 221.5)

(cf. 5125 - Student Records)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

ATHLETIC COMPETITION (continued)

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
 4. Travel and per diem allowances
 5. Opportunities to receive coaching and academic tutoring
 6. Assignment and compensation of coaches and tutors
 7. Provision of locker rooms, practice facilities, and competitive facilities
 8. Provision of medical and training facilities and services
 9. Provision of housing and dining facilities and services
 10. Publicity
 11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender
2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

(cf. 1113 - District and School Web Sites)

ATHLETIC COMPETITION (continued)

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the web site. (Education Code 221.9)

(cf. 3580 - District Records)

Concussions and Head Injuries

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response. (Education Code 35179.1, 49032)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the student sustained a concussion or a head injury, the student shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

A middle school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, *full-contact practice* means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

Heat Illness

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

ATHLETIC COMPETITION (continued)

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, the student may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until the student is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

(cf. 5141 - Health Care and Emergencies)

ATHLETIC COMPETITION (continued)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Notifications

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing the students and their parents/guardians with the notices described above, send a notice to the students and their parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8
3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, to be transported by the district to and from competitions

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

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

7. Includes a copy of the local CIF league rules

ATHLETIC COMPETITION (continued)

8. Includes information about the CIF bylaw and district policy requiring any student athlete and the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

(5/17 10/18) 7/19

Regulation
Adopted:

EDUCATION FOR ENGLISH LEARNERS

The Governing Board intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6171 - Title I Programs)

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner may be denied participation in any such course if the student has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students, and the course of study provided to the student is designed to remedy academic deficits incurred during participation and to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

(cf. 0415 - Equity)
(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)

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 English learners.

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

EDUCATION FOR ENGLISH LEARNERS (continued)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development ~~adult~~ literacy training program for parents/guardians and community members so that they may better support students' English language development.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Staff Qualifications and Training

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

(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 English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. 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 Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until the student is reclassified based on criteria specified in the accompanying administrative regulation.

EDUCATION FOR ENGLISH LEARNERS (continued)

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

The district shall offer research-based language acquisition 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. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. A dual-language immersion 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 Language Instruction)

EDUCATION FOR ENGLISH LEARNERS (continued)

2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner 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

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition 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; 5 CCR 11311)

Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

EDUCATION FOR ENGLISH LEARNERS (continued)**Program Evaluation**

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference: (see next page)

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*
 33050 *State Board of Education waiver authority*
 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 *Accountability; numerically significant student subgroups*
 52060-52077 *Local control and accountability plan*
 52160-52178 *Bilingual Bicultural Act*
 56305 *CDE manual on English learners with disabilities*
 60603 *Definition, recently arrived English learner*
 60640 *California Assessment of Student Performance and Progress*
 60811-60812 *Assessment of English language development*
 62002.5 *Continuation of advisory committee after program sunsets*
CODE OF REGULATIONS, TITLE 5
 854.1-854.3 *CAASPP and universal tools, designated supports, and accommodations*
 854.9 *CASSPP and unlisted resources for students with disabilities*
 11300-11316 *English learner education*
 11517.6-11519.5 *English Language Proficiency Assessments for California*
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 O. v. Davis, (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)*

*Management Resources:*CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018
English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017
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English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's

Management Resources continued: (see next page)

EDUCATION FOR ENGLISH LEARNERS (continued)*Management Resources: (continued)*

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

California Practitioners' Guide for Educating English Learners with Disabilities, 2019

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018

Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

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

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

THE EDUCATION TRUST- WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, 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

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>

The Education Trust-West: <https://west.edtrust.org>

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

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EDUCATION FOR ENGLISH LEARNERS**Definitions**

English learner 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 English learner 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)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

Native speaker of English means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

Identification and Assessments

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 English learner 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 initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11518.5)

EDUCATION FOR ENGLISH LEARNERS (continued)

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC 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)

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.35.

(cf. 6159 - Individualized Education Program)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

(cf. 5145.6 - Parental Notifications)

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
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 program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
 - b. The manner in which the program will meet the educational strengths and needs of the student

EDUCATION FOR ENGLISH LEARNERS (continued)

- c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
 - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, 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 meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
 6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the

EDUCATION FOR ENGLISH LEARNERS (continued)

district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
 - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
 - d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development

EDUCATION FOR ENGLISH LEARNERS (continued)

4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom 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)

The procedures used to determine whether an English learner shall be reclassified as 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 an objective assessment instrument, including, but not limited to, the ELPAC
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student

EDUCATION FOR ENGLISH LEARNERS (continued)

3. Parent/guardian involvement, including:
 - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
 - b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification 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 Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether any additional academic support is needed.

Advisory Committee

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners 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 plan for education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census

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 Rights and Responsibilities)*
- (cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or 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)

LCAP Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 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 English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

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SUPPLEMENTAL INSTRUCTION

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

(cf. 0460 - Local Control and Accountability Plan)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

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

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

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

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

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

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6162.51 - State Academic Achievement Tests)

SUPPLEMENTAL INSTRUCTION

In addition, supplemental instruction may be offered to:

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

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

Legal Reference:

EDUCATION CODE

37200-37202 School calendar

37223 Weekend classes

42238.01 42238.5 Local control funding formula

46100 Length of school day

48070-48070.6 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-51212 Courses of study, elementary schools

51220-51228 Courses of study, secondary schools

52060-52077 Local control and accountability plan

60603 Definitions, core curriculum areas

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6311 State plan

Management Resources:

WEB SITES

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

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

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

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WORLD/FOREIGN LANGUAGE INSTRUCTION

In order to prepare students for global citizenship and to broaden their intercultural understanding and career opportunities, the Board of Education shall provide students with opportunities to develop linguistic proficiency and cultural literacy in one or more world languages in addition to English.

The Superintendent or designee shall recommend world languages to be taught in the district's educational program based on student interest, community needs, and available resources. He/she shall also consider providing English learners the opportunity to study their heritage language, when such a course is available, in order to continue developing skills in that language.

(cf. 6174 - Education for English Learners)

The district shall offer a sequential curriculum aligned with the state content standards, state curriculum framework and, as applicable.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

The district may establish a dual-language immersion 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. (Education Code 305-306)

The Board shall ensure that students have access to high-quality instructional materials in world languages. In accordance with Board policy, teachers shall be encouraged to identify and use supplemental resources, such as literature, technology, newspapers and other media, dictionaries, and volunteers from the community to enhance the world language instructional program.

(cf. 1240 - Volunteer Assistance)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1- Library Media Centers)

The Superintendent or designee shall provide professional development as necessary to ensure that teachers of world languages have the knowledge and skills they need to implement an effective instructional program that helps students attain academic standards.

(cf. 4131 - Staff Development)

The Superintendent or designee shall provide periodic reports to the Board regarding the effectiveness of the district's world language program which may include, but not be limited to, a description of the district's curriculum and the extent to which it is aligned with the

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

state's content standards and curriculum framework, student achievement of district standards for world language instruction, and student participation rates in each language course. Program evaluation shall be used to identify needed improvements and may be considered in determining the world languages to be taught in the district.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

300-310 Education for English learners

42238.02 Local control funding formula; class size requirements

44253.1-44253.11 Qualifications of teachers of English learners

44256-44257 Credential requirements, including teachers of foreign language

48980 Parental notifications

51212 Legislative intent to encourage foreign language instruction in grades 1-6

51220 Courses of study, grades 7-12

51225.3 High school graduation requirements

51243-51245 Alternative credits toward graduation for foreign language instruction in private school

60119 Public hearings, instructional materials

60605.3 Content standards for world language instruction

60605.5 Revision of state standards for world language instruction

CODE OF REGULATIONS, TITLE 5

1632 Alternative credits toward graduation for foreign language instruction in private school

Management Resources: (see next page)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Two-Way Language Immersion Program FAQ

World Language Content Standards for California Public Schools, Kindergarten Through Grade Twelve, adopted January 7, 2009

Foreign Language Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CENTER FOR APPLIED LINGUISTICS PUBLICATIONS

Guiding Principles for Dual Language Education, Second Edition, 2007

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 Serving English Learners

UNIVERSITY OF CALIFORNIA PUBLICATIONS

A-G Guide

WEB SITES

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

American Council on the Teaching of Foreign Languages: <http://www.actfl.org>

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education, Foreign Language: <http://www.cde.ca.gov/ci/fl>

California Foreign Language Project: <http://www.stanford.edu/group/CFLP>

California Language Teachers' Association: <http://www.clta.net>

Center for Applied Linguistics: <http://www.cal.org>

University of California, a-g Course Approval: <http://www.ucop.edu/agguide>

WORLD/FOREIGN LANGUAGE INSTRUCTION**Content of Instruction**

The district's instructional program for world languages shall be designed to help students gain knowledge about new language systems and use that knowledge to communicate. Students shall receive instruction which is aligned with state academic standards appropriate to their age and stage of linguistic and cultural proficiency in the following categories:

1. **Content:** Students shall be presented with a wide variety of content that is age and stage appropriate and increases in complexity.

(cf. 6011 - Academic Standards)

2. **Communication:** Students shall be taught to effectively convey and receive messages by engaging in or interpreting written, spoken, and/or signed languages.
3. **Cultures:** Students shall receive instruction that allows them to make connections and comparisons between language and culture.

(cf. 6142.94 - History/Social Science Instruction)

4. **Structures:** The curriculum shall address components of grammar, syntax, and language patterns appropriate to the language being taught.
5. **Settings:** To help students comprehend meaning and use language that is culturally appropriate, students shall develop knowledge of the context or setting in which language is used, such as common daily settings, interpersonal settings, and informal and formal settings.

Dual-Language Immersion Programs

The district's dual-language immersion programs may be based on either or both of the following models:

1. A 50:50 model in which instruction is provided in the non-English target language for 50 percent of the time and in English for 50 percent of the time, throughout the duration of the program
2. A 10:90 model in which instruction is provided in English target language for 90 percent of the time and in Non-English language for 10 percent of the time.

(cf. 6174 - Education for English Learners)

WORLD/FOREIGN LANGUAGE INSTRUCTION (continued)

Any dual-language immersion program offered in grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the district's dual-language immersion program and other language acquisition programs 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)

Whenever one or more English learners are enrolled in a dual-language immersion classroom, the class shall be taught by a teacher who possesses the appropriate authorization issued by the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

ATHLETIC COMPETITION

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 - Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records. (Education Code 221.5)

(cf. 5125 - Student Records)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

ATHLETIC COMPETITION (continued)

- c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
- 2. The provision and maintenance of equipment and supplies
- 3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
- 4. Opportunities to receive coaching and academic tutoring
- 5. Assignment and compensation of coaches and tutors
- 6. Provision of practice facilities
- 7. Publicity

Concussions and Head Injuries

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student initiates practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

Heat Illness

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat cramps, heat syncope, heat exhaustion, and exertional heat stroke. (Education Code 35179.1, 49032)

ATHLETIC COMPETITION (continued)

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide adequate rest breaks, make water available during all athletic activities, and alter practice plans in extreme environmental conditions.

Sudden Cardiac Arrest

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest. (Education Code 33479.6, 33479.7, 35179.1, 49032)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following his/her participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, he/she may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until he/she is evaluated and given written clearance to return to participation by a health care provider. (Education Code 33479.2, 33479.5)

Automated External Defibrillators

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events. (Education Code 35179.6)

(cf. 5141 - Health Care and Emergencies)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED. (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Parental Notifications

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall, in addition to providing his/her parents/guardians with information on the signs and symptoms of concussions and sudden cardiac arrest as described above, send a notice to the student's parents/guardians which:

ATHLETIC COMPETITION (continued)

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8
3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

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

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

ATHLETIC COMPETITION

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Student Eligibility

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

(cf. 3260 - Fees and Charges)

(cf. 5143 - Insurance)

Sportsmanship

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship.

Students and staff shall be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)

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

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5144 - Discipline)

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

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

ATHLETIC COMPETITION (continued)

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

Whenever a serious injury or illness is suffered by a student athlete, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury or illness suffered by the student and any actions taken to treat the student.

Legal Reference: (see next page)

ATHLETIC COMPETITION (continued)*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination**17578 Cleaning and sterilizing of football equipment**17580-17581 Football equipment**32220-32224 Insurance for athletic teams, especially:**32221.5 Required insurance for athletic activities**33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program**33354 California Department of Education authority over interscholastic athletics**33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act**35160.5 District policies; rules and regulations**35179 Interscholastic athletics**35179.1 California High School Coaching Education and Training Program**35179.4 Emergency action plan**35179.5 Interscholastic athletics; limitation on full-contact practices**35179.6 Automated external defibrillator, athletic activities**48850 Interscholastic athletics; students in foster care and homeless students**48900 Grounds for suspension and expulsion**48930-48938 Student organizations**49010-49013 Student fees**49020-49023 Athletic programs; legislative intent, equal opportunity**49030-49034 Performance-enhancing substances**49458 Health examinations, interscholastic athletic program**49475 Health and safety, concussions and head injuries**49700-49701 Education of children of military families**51242 Exemption from physical education for high school students in interscholastic athletic program*HEALTH AND SAFETY CODE*1797.196 Automated external defibrillator*PENAL CODE*245.6 Hazing*CODE OF REGULATIONS, TITLE 5*4900-4965 Nondiscrimination in elementary and secondary education programs, especially:**4920-4922 Nondiscrimination in intramural, interscholastic, and club activities**5531 Supervision of extracurricular activities of students**5590-5596 Employment of noncertificated coaches*UNITED STATES CODE, TITLE 20*1681-1688 Discrimination based on sex or blindness, Title IX*CODE OF FEDERAL REGULATIONS, TITLE 34*106.31 Nondiscrimination on the basis of sex in education programs or activities**106.33 Comparable facilities**106.41 Nondiscrimination in athletic programs*COURT DECISIONS*Mansourian v. Regents of University of California, (2010) 602 F. 3d 957**McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275**Kahn v. East Side Union High School District, (2003) 31 Cal. 4th 990**Hartzell v. Connell, (1984) 35 Cal. 3d 899*

ATHLETIC COMPETITION (continued)

*Management Resources:*CSBA PUBLICATIONSUpdated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONSPupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONSAthletic Department Emergency Action Plan: Response TeamsCalifornia Interscholastic Federation Constitution and BylawsA Guide to Equity in AthleticsGuidelines for Gender Identity ParticipationKeep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/GuardiansEvent Emergency Guidelines, 2013Pursuing Victory with Honor, 1999CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONSHeads Up: Concussion in High School Sports, Tool Kit, June 2010Heads Up: Concussion in Youth Sports, Tool Kit, July 2007Acute Concussion Evaluation (ACE) Care Plan, 2006NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS PUBLICATIONSEmergency Action Planning Guide for After-School Practices and EventsU.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONSWithdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>California Interscholastic Federation: <http://www.cifstate.org>Centers for Disease Control and Prevention, Concussion Resources: <http://www.cdc.gov/concussion>National Federation of State High School Associations: <http://www.nfhs.org>National Operating Committee on Standards for Athletic Equipment: <http://www.nocsae.org>U.S. Anti-Doping Agency: <http://www.usada.org>U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

EDUCATION FOR ENGLISH LEARNERS

The Board of Education intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

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 English learners.

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

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level, integrated across all subject areas, and aligned with the state content standards. The district's program shall be based on sound instructional theory, use standards-aligned instructional materials, and provide students with access to the full educational program.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6171 - Title I Programs)

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

(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 English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. 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)

EDUCATION FOR ENGLISH LEARNERS (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

The district shall offer research-based language acquisition 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. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

EDUCATION FOR ENGLISH LEARNERS (continued)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. The district may offer a dual-language immersion 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)

2. The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner 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.

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or 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 program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the

EDUCATION FOR ENGLISH LEARNERS (continued)

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; 5 CCR 11311)

Reclassification

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

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*
 33050 *State Board of Education waiver authority*
 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*
 52160-52178 *Bilingual Bicultural Act*
 56305 *CDE manual on English learners with disabilities*
 60603 *Definition, recently arrived English learner*
 60640 *California Assessment of Student Performance and Progress*
 60810-60812 *Assessment of language development*
 62002.5 *Continuation of advisory committee after program sunsets*
CODE OF REGULATIONS, TITLE 5
 854.1-854.3 *CAASPP and universal tools, designated supports, and accommodations*
 854.9 *CASSPP and unlisted resources for students with disabilities*
 11300-11316 *English learner education*
 11510-11517.5 *California English Language Development Test*
 11517.6-11519.5 *English Language Proficiency Assessments for California*
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 O. v. Davis, (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)

Management Resources: (see next page)

EDUCATION FOR ENGLISH LEARNERS (continued)*Management Resources:*CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017

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

California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018

Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

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

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

THE EDUCATION TRUST- WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018

Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, 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

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>

The Education Trust-West: <https://west.edtrust.org>

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

EDUCATION FOR ENGLISH LEARNERS**Definitions**

English learner 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 English learner 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)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

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)

Identification and Assessments

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 English learner 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 initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the Department of Education. (Education Code 313)

EDUCATION FOR ENGLISH LEARNERS (continued)

The ELPAC shall be administered in accordance with test publisher instructions and 5 CCR 11518.5-11518.20. Variations and accommodations in test administration may be provided to English learners pursuant to 5 CCR 11518.30-11518.35.

Any student with a disability who is identified as an English learner 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 (IEP) 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 IEP. (5 CCR 11518.25-11518.35; 20 USC 1412)

(cf. 6159 - Individualized Education Program)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC 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, a language instruction program 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 or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
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 program in which the student is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction

EDUCATION FOR ENGLISH LEARNERS (continued)

- b. The manner in which the program will meet the educational strengths and needs of the student
 - c. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation
 - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, 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 meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards
 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
 6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

Language Acquisition Programs

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.

EDUCATION FOR ENGLISH LEARNERS (continued)

2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
 - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
 - d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion

EDUCATION FOR ENGLISH LEARNERS (continued)

2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals
5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

The district shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the district's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom 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)

EDUCATION FOR ENGLISH LEARNERS (continued)

The measures used to determine whether an English learner shall be reclassified as 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 an objective assessment instrument, including, but not limited to, the ELPAC
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian opinion and consultation

The Superintendent or 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 Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support.

Advisory Committee

A parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners 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 Board of Education on at least the following tasks: (5 CCR 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals, and objectives for programs and ~~services~~ for English learners

EDUCATION FOR ENGLISH LEARNERS (continued)

4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
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 Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or 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)

LCAP Advisory Committee

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 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 English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

SUPPLEMENTAL INSTRUCTION

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

(cf. 0460 - Local Control and Accountability Plan)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6164.5 - Student Success Teams)

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

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)

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

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

Supplemental instruction shall be offered to students in grades 2-8 who have been retained or recommended for retention at their current grade level. (Education Code 37252.2, 48070.5)

(cf. 5123 - Promotion/Acceleration/Retention)

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

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

Legal Reference: (see next page)

SUPPLEMENTAL INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

37200-37202 *School calendar*

37223 *Weekend classes*

37252-37254.1 *Supplemental instruction, summer school*

42238.01-42238.07 *Local control funding formula*

46100 *Length of school day*

48070-48070.5 *Promotion and retention*

48200 *Compulsory education*

48985 *Translation of notices*

51210-51212 *Courses of study, elementary schools*

51220-51228 *Courses of study, secondary schools*

52060-52077 *Local control and accountability plan*

60603 *Definitions, core curriculum areas*

60640-60649 *California Assessment of Student Performance and Progress*

CODE OF REGULATIONS, TITLE 5

11470-11472 *Summer school*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

WEB SITES

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

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

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

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Business Services
Marilyn Adrianzen, Chief Business Official

INITIAL: MW
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD POLICY AND ADMINISTRATIVE REGULATION – 7000 SERIES

BACKGROUND INFORMATION:

The District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

The following Board Policies and Administrative Regulations in the 7000 series has been updated:

- BP/AR 7140

RECOMMENDATION:

Approve first reading of revised Board Policy and Administrative Regulation - 7000 series (Facilities).

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: MW

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A

(Amount)

N/A

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

POLICY GUIDE SHEET REVISIONS

FACILITIES

BP/AR 7140 - Architectural and Engineering Services (BP/AR revised 10/19)

Policy updated to clarify the district's responsibility to select a licensed architect and/or structural engineer as required by law when professional design services are used for construction or modernization of school facilities and to address the need to comply with state safety and design standards. Policy adds the general duties of the architect and/or structural engineer and the circumstances under which design specifications must be submitted to CDE and the Division of the State Architect. Regulation updates the components of the selection process to more directly reflect law and adds the district's authority, if negotiations with the most qualified firm are unsuccessful, to negotiate a contract with the second most qualified firm and then the third most qualified firm. Regulation also includes the option to award a contract to a single entity for both the design and construction of a school facility in excess of \$1 million ("design build" contract).

ARCHITECTURAL AND ENGINEERING SERVICES

<p>Pursuant to Education Code 17266, when professional design services are used for construction or modernization of school facilities, districts are responsible for the selection of a licensed architect and/or structural engineer for necessary structural engineering and supervision of construction. Article 22 of the California Constitution allows districts to contract with qualified private entities for architectural and engineering services for all public works projects. Sample contracts are available from the American Institute of Architects, California Council.</p> <p>Pursuant to Education Code 17262, the district may purchase sets of plans and specifications provided by the State Allocation Board (SAB) for use in constructing a school building of the type desired by the district.</p>

The Governing Board desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When required by law, the Board shall employ or contract with a licensed and certified architect and/or structural engineer to design and supervise the construction of district schools and other facilities.

(cf. 7110 - Facilities Master Plan)

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

<p>Education Code 17070.50 requires the California Department of Education (CDE) to review and approve plans and specifications for new construction and modernization of school facility projects funded by SAB. During this review, CDE's School Facilities Planning Division verifies project consistency with the design standards specified in Title 5 of the Code of Regulations. Pursuant to CDE forms SFPD 4.07, <u>Plan Submission Requirements for New Construction</u>, and SFPD 4.08, <u>Plan Submission Requirements for Modernization Projects</u>, facilities projects subject to this review include those funded through the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30) and projects that receive state funding for overcrowding relief, critically overcrowded schools, career technical education facilities, joint use facilities, or modernization funding. Board-approved educational specifications must be submitted when the project involves construction of a new school or demolition and rebuilding of 50 percent or more of the existing school's square footage.</p> <p>Construction plans for school facility projects that are not funded by SAB are not required to be submitted to CDE for review and approval. However, locally funded projects must still comply with Title 5 design standards. Pursuant to Education Code 17251, a district may request that CDE, at district expense, review plans and specifications for locally funded school facility projects.</p> <p>Pursuant to Education Code 17267, all plans and specifications for school construction projects must also be filed with the Department of General Services, Division of the State Architect (DSA) to ensure compliance with Title 24 of the Code of Regulations. See DSA's web site for information regarding this process.</p>
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To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

Education Code 17070.50 prohibits SAB from apportioning state facilities funds unless the district has certified that the services of an architect, a structural engineer, or other design professional has been selected using a "competitive process" consistent with Government Code 4525-4529.5. Government Code 4526 requires that the competitive process must be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. See the accompanying administrative regulation.

The Superintendent or designee shall devise a competitive process for the selection of architects, structural engineers, and other design professionals that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, the Superintendent or designee shall recommend architectural and engineering firms to the Board for approval. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 - Bids)

(cf. 3311.3 - Design-Build Contracts)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 *Leroy F. Greene School Facilities Act, especially:*

17070.50 *Conditions for apportionment*

17250.10-17250.55 *Design-build contracts*

17251 *School construction; duties of the California Department of Education*

17262-17268 *School construction plans*

17280-17316 *Approvals, especially:*

17302 *Persons qualified to prepare plans, specifications and estimates and supervise construction*

17316 *Contract provision regarding school district property*

17371 *Limitation on liability of governing board*

BUSINESS AND PROFESSIONS CODE

5500-5502 *Architecture*

5550-5558 *Architects, licensure*

6700-6706.3 *Engineers*

6750-6766 *Engineers, licensure*

GOVERNMENT CODE

4525-4529.5 *Contracts with private architects, engineering, land surveying, and construction project management firms*

14837 *Definition of small business*

87100 *Public officials; financial interest*

PUBLIC CONTRACT CODE

20111 *School district contracts*

CODE OF REGULATIONS, TITLE 5

14001 *Minimum standards for school facilities*

14030-14036 *Standards, planning, and approval of school facilities*

CODE OF REGULATIONS, TITLE 24

101 *et seq. California Building Standards Code*

CALIFORNIA CONSTITUTION

Article 22 *Architectural and engineering services*

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08

Plan Submission Requirements for New Construction, Form SFPD 4.07

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

School Facility Program Handbook, January 2019

WEB SITES

American Institute of Architects California Council: <https://aiacalifornia.org>

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

Department of General Services, Division of the State Architect: <https://www.dgs.ca.gov/DSA>

Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

(10/96 2/99) 10/19

Policy
Adopted:

SAN YSIDRO SCHOOL DISTRICT

San Ysidro, California

16.12

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ARCHITECTURAL AND ENGINEERING SERVICES

When applying for state facilities funding, the district will be required to certify that any professional design services used for the project were selected using a qualification-based selection process. The Office of Public School Construction, in its School Facility Handbook, advises districts to consult with legal counsel to ensure that its process for selecting architects or structural engineers is a qualification-based selection process and complies with all other legal requirements, including the Public Contract Code and requirements for disabled veterans business enterprises.

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Assures maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits district employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

(cf. 9270 - Conflict of Interest)

The selection process may also include: (Government Code 4527)

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

(cf. 3311 - Bids)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect or structural engineer shall become the property of the district. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of \$1,000,000 in accordance with AR 3311.3 - Design-Build Contracts. (Education Code 17250.20)

(cf. 3311.3 - Design-Build Contracts)

(2/96 2/99) 10/19

Policy
adopted:

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, California
Page 7 of 7

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Administration
Gina A. Potter, Ed.D.,
Superintendent

INITIAL: GA
 Informational
 Action

AGENDA ITEM: FIRST READING OF REVISED BOARD BYLAWS – 9000 SERIES AND DELETION OF BOARD BYLAW 9321.1

BACKGROUND INFORMATION:

The San Ysidro School District has a current agreement with the California School Boards Association (CSBA) for the maintenance of its Board Policy manual. This subscription service provides policy updates and ongoing consulting and word processing services.

Governing Boards are responsible for the development and compliance of its board policies. They are responsible for adopting and revising policies in keeping with new laws and legislation that impact specific policies and administrative regulations.

Below is a list of Board Bylaws and Exhibits that are being revised and/or added:

- BB 9321 – Closed Session
- BB E(1) 9321 – Closed Session (New Exhibit)
- BB E(2) 9321 – Closed Session (New Exhibit)
- BB 9323 – Meeting Conduct

Deletion of BB 9321.1 – Closed Session Actions and Reports

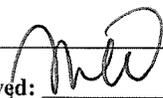
- BB 9321.1 – Closed Session Actions and Reports (Delete Board Bylaw 9321.1 because key concepts were incorporated in revised Board Bylaw 9321 – Closed Session.)

RECOMMENDATION:

Approve first reading of new & revised Board Bylaws and Exhibits - 9000 series and Deletion of Board Bylaw 9321.1 – Closed Session Actions and Reports.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

N/A
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No


Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Superintendent's Office Certification:

POLICY GUIDE SHEET

FIRST READING OF BOARD BYLAWS – 9000 SERIES 12-19-19

BB/E 9321 - Closed Session

(BB revised; E(1) and E(2) added)

Bylaw retitled and updated to incorporate material formerly in BB 9321.1 - Closed Session Actions and Reports. Bylaw also adds the requirement to provide final documents approved or adopted during closed session to persons who have submitted a request. Section on "Matters Related to Students" provides that student names should not be included on the agenda or reports of expulsion hearings pursuant to court decision. Section on "Security Matters" reflects the board's authority to meet in closed session with law enforcement officials to develop a tactical response plan. Section on "Real Property Negotiations" reflects Attorney General publication stating the board's authority to approve a final real property agreement in closed session. Section on "Pending Litigation" updates legal cites. Exhibit (1) added to provide examples of agenda descriptions of closed session items. Exhibit (2) added to provide examples of reports of closed session actions that must be made when the board reconvenes in open session following the closed session.

BB 9321.1 - Closed Session Actions and Reports

(BB deleted)

Bylaw deleted and key concepts incorporated in BB 9321 - Closed Session.

BB 9323 - Meeting Conduct

(BB revised)

Bylaw updated to clarify circumstances under which the board may exercise flexibility in allocating time for public input to ensure full opportunity for public input and presentation of the diversity of viewpoints.

Board Bylaws

BB 9321(a)

CLOSED SESSION

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold a closed session during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law and specified below. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

In the open session preceding the closed session, the Board shall disclose the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. (Government Code 54957.7)

After the closed session, the Board shall reconvene in open session before adjourning the meeting and, when applicable, shall publicly disclose any action taken in the closed session, the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed. Such reports may be made in writing or orally at the location announced in the agenda for the closed session. (Education Code 32281; Government Code 54957.1, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary retyping is completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

CLOSED SESSION (continued)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, performance evaluation, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of the right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss **an** employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

CLOSED SESSION (continued)

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 4117.7/4317.7 - Employment Status Reports)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the open meeting requirements of Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

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

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

CLOSED SESSION (continued)

(cf. 2121 - Superintendent's Contract)

The Board also may meet in closed session with a state conciliator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name(s) of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Approval of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. If a written request for open session is received from the parent/guardian or adult student, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

CLOSED SESSION (continued)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

(cf. 5125 - Student Records)

However, in taking final action, the Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9323.2 - Actions by the Board)

Agenda items related to **these** security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

The Board may meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281) **16.13**

CLOSED SESSION (continued)**Real Property Negotiations**

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation, and the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

CLOSED SESSION (continued)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(d)(1))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(d)(2), (3))

Existing facts and circumstances for these purposes are limited to the following:
(Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiff(s) and which do not need to be disclosed.
 - b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiff(s) and which must be publicly disclosed before the closed session or specified on the agenda.
 - c. The receipt of a claim pursuant to the Government Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(*cf. 3320 - Claims and Actions Against the District*)
 - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat of litigation on the victim's behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))

CLOSED SESSION (continued)

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(d)(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

CLOSED SESSION (continued)

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may also meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA that has direct financial or liability implications for the district. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the name of the JPA, the closed session description used by the JPA, and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

CLOSED SESSION (continued)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.51 - State Academic Achievement Tests)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

*Legal Reference:*EDUCATION CODE

32281 School safety plans

35145 Public meetings

35146 Closed session for student suspension or disciplinary action

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension of student

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

49073-49079 Privacy of student records

60617 Closed session (re review of contents of statewide assessment)

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

Legal Reference continued: (next page)

CLOSED SESSION (continued)*Legal References continued:*CALIFORNIA CONSTITUTION*Article 1, Section 3 Public right to access information*UNITED STATES CODE, TITLE 20*1232g Family Educational Rights and Privacy Act*CODE OF FEDERAL REGULATIONS, TITLE 34*99.1-99.8 Family Educational Rights and Privacy*COURT DECISIONS*Moreno v. City of King, (2005) 127 Cal.App.4th 17**Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860**Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393**Bell v. Vista Unified School District, (2000) 82 Cal.App. 4th 672**Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87**Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d*CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)*Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876**Roberts v. City of Palmdale, (1993) 5 Cal.4th 363**San Diego Union v. City Council, (1983) 146 Cal.App.3d 947**Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41*ATTORNEY GENERAL OPINIONS*94 Ops.Cal.Atty.Gen. 82 (2011)**89 Ops.Cal.Atty.Gen. 110 (2006)**86 Ops.Cal.Atty.Gen. 210 (2003)**78 Ops.Cal.Atty.Gen. 218 (1995)**59 Ops.Cal.Atty.Gen. 532 (1976)**57 Ops.Cal.Atty.Gen. 209 (1974)**Management Resources:*CSBA PUBLICATIONS*The Brown Act: School Boards and Open Meeting Laws, rev. 2014*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*The Brown Act: Open Meetings for Legislative Bodies, 2003*LEAGUE OF CALIFORNIA CITIES PUBLICATIONS*Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010*WEB SITES*CSBA: <http://www.csba.org>**California Office of the Attorney General: <http://www.oag.ca.gov>**League of California Cities: <http://www.cacities.org>*

Exhibit

Board Bylaws

E(1) 9321(a)

CLOSED SESSION

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957

Title:

(Specify position to be filled)

PUBLIC EMPLOYMENT

Government Code 54957

Title:

(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title:

(Specify position of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957

(No additional information is required. An employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

Government Code 54957

(No additional information is required.)

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

Government Code 54957.10

(No additional information is required.)

CLOSED SESSION (continued)

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS

Government Code 54957.6

District-designated representatives:

(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization:

(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented employee:

(Specify position of unrepresented employee who is the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

Education Code 35146

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

STUDENT EXPULSION

Education Code 48912

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

STUDENT GRADE CHANGE APPEAL

Education Code 49070

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

CLOSED SESSION (continued)

CONFIDENTIAL STUDENT MATTER

Action under consideration:

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property:

(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District negotiator:

(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session prior to the closed session.)

CLOSED SESSION (continued)

Negotiating parties: _____
(Specify name of party, not agent.)

Under negotiation: _____
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Litigation

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Government Code 54956.9(d)(1)

Name of case: _____
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3).
Number of potential cases: _____

Or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: _____

If applicable, facts and circumstances: _____
(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)

Joint Powers Authority Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY
Government Code 54956.95

Name of claimant(s): _____

CLOSED SESSION (continued)

(Specify name, except pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT
Government Code 54956.96

Name of JPA: _____

Discussion will concern:

(Specify closed session description used by the JPA.)

Name of district representative on JPA board:

Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable: _____

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE
Government Code 54956.75
(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT
Education Code 60617

The Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Exhibit

Board Bylaws

E(2) 9321(a)

CLOSED SESSION

REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any Governing Board meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Personnel Matters

Title of position: _____

Action taken: _____
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board member votes/abstentions: _____

Negotiations/Collective Bargaining

Approval of final agreement with represented employees

Item approved: _____

Other party/parties to the negotiation: _____

Board member votes/abstentions: _____

Matters Related to Students

(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)

Security Matters

Action taken: _____
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)

Board member votes/abstentions: _____

CLOSED SESSION (continued)**Real Property Negotiations**

Action taken: _____
(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)

Substance of the agreement: _____

Board member votes/abstentions: _____

Existing Litigation

Action taken related to existing litigation:

(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

Anticipated Litigation

Action taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

(The report does not need to initially identify the action, defendants, or other details.)

Board member votes/abstentions: _____

Joint Powers Agency Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY

Name of claimant(s): _____

CLOSED SESSION (continued)

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Name of JPA: _____

Action taken: _____

(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

Review of Audit from State Auditor's Office

Action taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.

(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)

Review of Assessment Instruments

Action taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.

**REGULATION
ADOPTED:**

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, CA

CURRENT

Board Bylaws

BB 9321(a)

CLOSED SESSION PURPOSES AND AGENDAS

The Board of Education is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)

Security Matters

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

CURRENT

BB 9321(g)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Legal Reference: (see next page)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Legal Reference:

EDUCATION CODE

- 35145 *Public meetings*
- 35146 *Closed session (re student suspension)*
- 44929.21 *Districts with ADA of 250 or more*
- 48912 *Governing board suspension*
- 48918 *Rules governing expulsion procedures; hearings and notice*
- 49070 *Challenging content of students records*
- 60617 *Meetings of governing board*

GOVERNMENT CODE

- 3540-3549.3 *Educational Employment Relations Act*
- 6252-6270 *California Public Records Act*
- 54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

- Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners*, (2003) 107 Cal.App.4th 860
- Bell v. Vista Unified School District*, (2001) 82 Cal.App. 4th 672
- Fischer v. Los Angeles Unified School District*, (1999) 70 Cal.App. 4th 87
- Furtado v. Sierra Community College District* (1998) 68 Cal.App. 4th 876
- Roberts v. City of Palmdale*, (1993) 5 Cal.App. 4th 363
- Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, (1968) 263 Cal.App. 2d 41
- San Diego Union v. City Council*, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

- 94 *Ops. Cal. Atty. Gen.* 82 (2011)
- 86 *Ops. Cal. Atty. Gen.* 210 (2003)
- 78 *Ops. Cal. Atty. Gen.* 218 (1995)
- 59 *Ops. Cal. Atty. Gen.* 532 (1976)
- 57 *Ops. Cal. Atty. Gen.* 209 (1974)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

- CSBA: <http://www.csba.org>
- California Attorney General's Office: <http://www.oag.ca.gov>
- League of California Cities: <http://www.cacities.org>

Board Bylaws

BB 9323(a)

MEETING CONDUCT**Meeting Procedures**

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

MEETING CONDUCT (continued)

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, Board members or staff members may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

In general, individual speakers will be allowed three minutes to address the Board on each agenda or nonagenda item, and the Board will limit the total time for public input on each item to 20 minutes. However, in exceptional circumstances when necessary to ensure full opportunity for public input, the Board president may, with Board consent, adjust the amount of time allowed for public and/or the time allotted for each speaker. Any such adjustment shall be done equitably so as to allow a diversity of viewpoints. The president may also ask members of the public with the same viewpoint to select a few individuals to address the Board on that viewpoint.

MEETING CONDUCT (continued)

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)
 - c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

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

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

MEETING CONDUCT (continued)**Recording by the Public**

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

*Legal Reference:*EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

54953.3 Prohibition against conditions for attending a board meeting

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

City of San Jose v. Garbett (2010) 190 Cal.App.4th 526

Norse v. City of Santa Cruz (9th Cir. 2010) 629 F.3d 966

McMahon v. Albany Unified School District (2002) 104 Cal.App.4th 1275

Rubin v. City of Burbank (2002) 101 Cal.App.4th 1194

Baca v. Moreno Valley Unified School District (1996) 936 F.Supp. 719

Legal References (continued on next page)

MEETING CONDUCT (continued)

Legal References (continued):

ATTORNEY GENERAL OPINIONS

90 Ops. Cal. Atty. Gen. 47 (2007)

76 Ops. Cal. Atty. Gen. 281 (1993)

66 Ops. Cal. Atty. Gen. 336 (1983)

63 Ops. Cal. Atty. Gen. 215 (1980)

61 Ops. Cal. Atty. Gen. 243, 253 (1978)

59 Ops. Cal. Atty. Gen. 532 (1976)

55 Ops. Cal. Atty. Gen. 26 (1972)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <https://oag.ca.gov>

**REGULATION
ADOPTED:**

SAN YSIDRO SCHOOL DISTRICT
San Ysidro, CA

MEETING CONDUCT

Meeting Procedures

All Board of Education meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

CURRENT

BB 9323(b)

MEETING CONDUCT (continued)

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons ~~speakers~~ have something new to add.

CURRENT

BB 9323(c)

MEETING CONDUCT (continued)

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.
 - b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)
 - c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

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

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Recording by the Public

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise,

MEETING CONDUCT (continued)

illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

- 527.8 Workplace Violence Safety Act

GOVERNMENT CODE

- 54953.3 Prohibition against conditions for attending a board meeting
- 54953.5 Audio or video recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

- 403 Disruption of assembly or meeting

COURT DECISIONS

- City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526
- Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
- McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
- Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
- Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

- 90 Ops. Cal. Atty. Gen. 47 (2007)
- 76 Ops. Cal. Atty. Gen. 281 (1993)
- 66 Ops. Cal. Atty. Gen. 336 (1983)
- 63 Ops. Cal. Atty. Gen. 215 (1980)
- 61 Ops. Cal. Atty. Gen. 243, 253 (1978)
- 59 Ops. Cal. Atty. Gen. 532 (1976)
- 55 Ops. Cal. Atty. Gen. 26 (1972)

CURRENT

BB 9323(e)

MEETING CONDUCT (continued)

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

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

California Attorney General's Office: <https://oag.ca.gov>

CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board of Education shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2140 - Evaluation of the Superintendent)

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

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

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232)

CLOSED SESSION ACTIONS AND REPORTS (continued)

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125 - Student Records)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

CLOSED SESSION ACTIONS AND REPORTS (continued)**JPA/Self-Insurance Claims**

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

(cf. 6162.5 - Student Assessment)

*Legal Reference:*EDUCATION CODE

35145 Public meetings

35146 Closed session (re student matters)

48918 Rules governing expulsion procedures; hearings and notice

49073-49079 Privacy of student records

60617 Meetings of governing board

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54957.1 Closed sessions; public report of action taken

54957.6 Closed sessions; representatives to employee organization(s)

54957.7 Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Kleitman v. Superior Court of Santa Clara County 87 Cal Rptr. 2d (1999)

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 85 (1997)

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: PUBLIC HEARING – SAN YSIDRO EDUCATION ASSOCIATION’S INITIAL PROPOSAL TO SAN YSIDRO SCHOOL DISTRICT FOR REOPENER CONTRACT NEGOTIATIONS

BACKGROUND INFORMATION:

Section 3457 of Article 8 of Chapter 10.7 of the California Government Code requires that the Board of Education adopt the San Ysidro Education Association’s initial (“sunshine”) proposal to employee organizations at a public meeting prior to the start of negotiations.

Before doing so the public must be given the opportunity to become informed on the proposal and have the opportunity to express their views on the issues to the public school employer.

Under the provisions of the current contract between the Board of Education and the San Ysidro Education Association, it is now appropriate for the Board to offer public comment on the San Ysidro Education Association’s initial (“sunshine”) proposal for the sole purpose of reopener negotiations for the collective bargaining agreement.

The areas of negotiation are broad but limited. Government Code section 3543.2(a)(1) states that:

The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment. “Terms and conditions of employment” mean health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of probationary certificated school district employees, pursuant to Section 44959.5 of the Education Code, and alternative compensation or benefits for employees adversely affected by pension limitations pursuant to former Section 22316 of the Education Code, as that section read on December 31, 1999, to the extent deemed reasonable and without violating the intent and purposes of Section 415 of the Internal Revenue Code.

This initial proposal is subject to the San Ysidro Education Association’s ratification procedure.

RECOMMENDATION:

Accept the initial proposals of the San Ysidro Education Association to open the collective bargaining agreement with the San Ysidro School District for reopener negotiations and make and approve the following motions:

1. Motion for the Board of Education to offer for public review and comment the attached initial (“sunshine”) proposal to the contract between San Ysidro Education Association and the Board of Education consisting of the following initial topics:

2. Motion for the Board of Education to direct the posting of notice of a public hearing on the initial (“sunshine”) proposal, and said public hearing to be held on and be open to public comment at the Board of Education meeting on December 19, 2019.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: ma

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

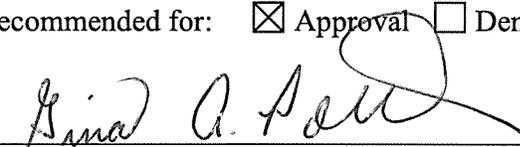
Yes No

(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:


Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

San Ysidro Education Association's Sunshine Proposal for 2019-2020

The San Ysidro Education Association is committed to supporting and advocating for our unit members, who have devoted their lives to educating and helping students succeed. Our objective is to ensure that our unit members have the respect and the rights that they deserve and which are mandated under the California Education Code and the Educational Employment Relations Act (EERA).

The Association believes that it is crucial for our members to be provided with a secure, safe, equitable, and intimidation-free work environment. Unit members must be fairly and adequately compensated for their continued dedication to academic excellence.

Educational professionals who are in direct contact with students on a daily basis play a vital role in students' academic success and achievements. In order for unit members to adequately plan lessons and prepare instructional materials, it is important that the district provide unit members with an accurate and timely work calendar with sufficient preparation that will allow for instructional time to be utilized effectively.

The Association believes that in order for the District to stand by its mission of providing "Quality education and opportunity for all students to succeed," they must support the unit members who have the responsibility of working directly with students. We hope this contract will help recruit and retain quality teachers.

To that effect, *in accordance with Article 27, TERM, Section B, of the Collective Bargaining Agreement*, the Association presents this Sunshine Proposal to open the following articles in the Collective Bargaining Agreement.

Article 13: SAFETY CONDITIONS

Seeking to improve and ensure that safety issues are a priority, are consistent, and fair to all unit members.

Article 18: COMPENSATION AND FRINGE BENEFITS

Seeking fair and equitable compensation and benefits.

The Association reserves the right to amend or supplement this sunshine proposal as needed or required by the EERA.

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: CLOSE PUBLIC HEARING – SAN YSIDRO EDUCATION ASSOCIATION’S INITIAL PROPOSAL TO SAN YSIDRO SCHOOL DISTRICT FOR REOPENER CONTRACT NEGOTIATIONS

BACKGROUND INFORMATION:

Section 3457 of Article 8 of Chapter 10.7 of the California Government Code stipulates that a reasonable time elapse after the submission to open the proposal to allow for public comment. The public hearing was opened during the regular board meeting on December 19, 2019. This initial proposal is subject to the San Ysidro Education Association’s ratification procedure.

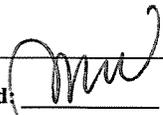
RECOMMENDATION:

Close Public Hearing for the San Ysidro Education Association to open Articles 13 and 18 with the San Ysidro School District for reopener negotiations.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

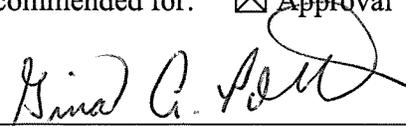
Yes No

(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent’s Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: PUBLIC HEARING – SAN YSIDRO SCHOOL DISTRICT’S INITIAL PROPOSAL TO SAN YSIDRO EDUCATION ASSOCIATION FOR REOPENER CONTRACT NEGOTIATIONS

BACKGROUND INFORMATION:

Section 3457 of Article 8 of Chapter 10.7 of the California Government Code requires that the Board of Education adopt the San Ysidro School District’s initial (“sunshine”) proposal to employee organizations at a public meeting prior to the start of negotiations.

Before doing so the public must be given the opportunity to become informed on the proposal and have the opportunity to express their views on the issues to the public school employer.

Under the provisions of the current contract between the Board of Education and the San Ysidro Education Association, it is now appropriate for the Board to offer public comment on the San Ysidro School District’s initial (“sunshine”) proposal for the sole purpose of reopener negotiations for the collective bargaining agreement.

The areas of negotiation are broad but limited. Government Code section 3543.2(a)(1) states that:

The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment. “Terms and conditions of employment” mean health and welfare benefits as defined by Section 53200, leave, transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of probationary certificated school district employees, pursuant to Section 44959.5 of the Education Code, and alternative compensation or benefits for employees adversely affected by pension limitations pursuant to former Section 22316 of the Education Code, as that section read on December 31, 1999, to the extent deemed reasonable and without violating the intent and purposes of Section 415 of the Internal Revenue Code.

This initial proposal is subject to the San Ysidro Education Association’s ratification procedure.

RECOMMENDATION:

Accept the initial proposals of the San Ysidro School District to open the collective bargaining agreement with the San Ysidro Education Association for reopener negotiations and make and approve the following motions:

1. Motion for the Board of Education to offer for public review and comment the attached initial (“sunshine”) proposal to the contract between San Ysidro Education Association and the Board of Education consisting of the following initial topics:

2. Motion for the Board of Education to direct the posting of notice of a public hearing on the initial (“sunshine”) proposal, and said public hearing to be held on and be open to public comment at the Board of Education meeting on December 19, 2019.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

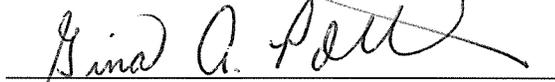
Yes No

(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



GOVERNING BOARD

Quality education and opportunity for all students to succeed

**San Ysidro School District's
Initial Sunshine Proposal to
San Ysidro Education Association
December 19, 2019**

In accordance with *Article 27: Term* of the Collective Bargaining Agreement, the District presents this Sunshine Proposal to open the following article:

Article 10 – Hours

Seeking clarification of the basic day of service and additional professional duties.

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: CLOSE PUBLIC HEARING – SAN YSIDRO SCHOOL DISTRICT’S INITIAL PROPOSAL TO SAN YSIDRO EDUCATION ASSOCIATION FOR REOPENER CONTRACT NEGOTIATIONS

BACKGROUND INFORMATION:

Section 3457 of Article 8 of Chapter 10.7 of the California Government Code stipulates that a reasonable time elapse after the submission to open the proposal to allow for public comment. The public hearing was opened during the regular board meeting on December 19, 2019.

RECOMMENDATION:

Close Public Hearing for the San Ysidro School District to open Article 10 with the San Ysidro Education Association for reopener negotiations.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Yes No

Are funds for this item available in the 2019-2020 Budget?

Yes No

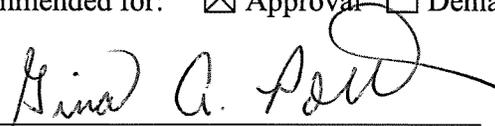
Requisition #

(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent’s Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: RESOLUTION NO. 19/20-0024

BACKGROUND INFORMATION:

The San Ysidro School District recognizes the importance of the 2020 U.S. Census and supports helping to ensure a complete, fair, and accurate count of all Californians. California receives nearly \$77 billion in federal funding that relies, in part, on census data. The next enumeration will be April 1, 2020.

RECOMMENDATION:

Adopt Resolution No. 19/20-0024 in support of the 2020 U.S. Census.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

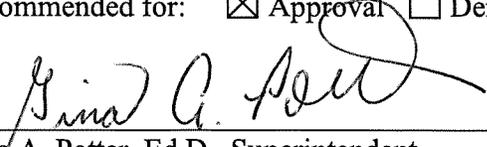
Yes No

(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

SAN YSIDRO SCHOOL DISTRICT

RESOLUTION NO. 19/20-0024

RESOLUTION IN SUPPORT OF 2020 U.S. CENSUS

WHEREAS, the Census Bureau is required by the Constitution to conduct a count of the population and provides a historic opportunity to help shape American democracy;

WHEREAS, the information collected by the census is confidential and protected by law;

WHEREAS, the next enumeration will be April 1, 2020, and will be the first to rely heavily on online responses;

WHEREAS, the primary and perpetual challenge facing the Census Bureau is the undercount of certain population groups;

WHEREAS, that challenge is amplified in California, given the size of the state and the diversity of communities;

WHEREAS, California has a large percentage of individuals that are considered traditionally hard to count;

WHEREAS, these diverse communities and demographic populations are at risk of being missed in the 2020 Census;

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data

WHEREAS, California receives nearly \$77 billion in federal funding that relies, in part, on census data;

WHEREAS, census data helps determine how many seats each state will have in the House of Representatives and the data is also used in the redistricting of state legislatures, city councils, and school boards;

WHEREAS, a complete and accurate count of California’s population is essential;

WHEREAS, the decennial census is a massive undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count;

WHEREAS, this includes coordination between tribal, city, county, state governments, community-based organizations, schools, and other organizations; and

NOW, THEREFORE, BE IT RESOLVED that the San Ysidro School District Board of Education recognizes the importance of the 2020 U.S. Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

ADOPTED by the Governing Board of the San Ysidro School District at a regular meeting of said Board on December 19, 2019 by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, _____, Clerk to the Governing Board, do hereby certify that the above and foregoing is a full, true and correct copy of a resolution passed and adopted by the said Board at a regular and conducted meeting held on said date.

Clerk to the Governing Board

CURRICULUM & INSTRUCTION

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *MC*
 Informational
 Action

AGENDA ITEM: 2ND ANNUAL "MAKING SAN DIEGO SMILE AGAIN" SHOPPING SPREE AT WALMART STORE

BACKGROUND INFORMATION:

Students from the San Ysidro School District were invited to attend "Making San Diego Smile Again" at the Chula Vista Walmart. The non-profit organization was created by the Castro Family whom collected donations from local community agencies and nearby businesses to bless McKinney-Vento students during the Holiday Season.

High School students from Sweetwater Union High School District were invited to shop with fifty students from all our schools on December 11, 2019 from 6:30 pm to 9:30 pm. Each student will receive a \$100.00 gift card to shop for either toys or clothes.

RECOMMENDATION:

Ratify the participation of up to 50 students from all our schools to the "Making San Diego Smile" event, which will take place at the Walmart Store in Chula Vista on December 11, 2019 at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Climate, Safety and Student Engagement – Action .6: Provide enrichment opportunities and programs for students to improve the academic environment (i.e. College Readiness, Compact for Success, Junior Achievement, etc.) and to include extended year educational experiences and activities.

Renewal New Amendment Ratify Other

Business Services Reviewed: *MC*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

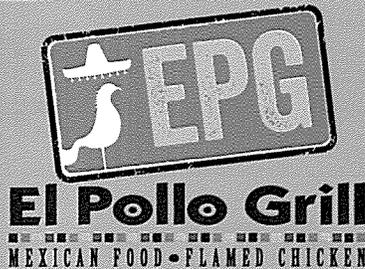
Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



San Ysidro

School District EST - 1887
QUALITY EDUCATION AND OPPORTUNITY FOR ALL STUDENTS TO SUCCEED

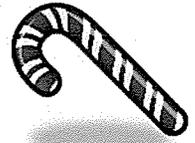
MAKING SAN DIEGO SMILE
WEDNESDAY—DECEMBER 11, 2019
6:30 PM TO 8:30 PM



Walmart

Chula Vista Wal-Mart

1150 Broadway, Chula Vista, CA 91911



Congratulations!

Your child has been selected to participate in a very special Christmas Shopping Event; snacks and drinks will be provided to all children in attendance. We encourage your child to write or draw a thank you letter to their Secret Santa, El Pollo Grill, San Ysidro School District, and Walmart. All children must be present to receive their Secret Santa gifts. Registration will take place at the Garden Center. For any additional questions, please contact Veronica Medina at (619) 428-4476 x 3083.

Happy Holidays!

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *MC*
 Informational
 Action

AGENDA ITEM: WINTER EVENTS AT WILLOW SCHOOL

BACKGROUND INFORMATION:

The Executive Director and the Student & Family Services Manager in the Educational Services Department are requesting approval for Willow School to host 2 winter events, as follows:

- The 4th Annual Love Thy Neighbor Holiday Dinner scheduled for December 17, 2019 from 6:00 p.m. to 8:00 p.m. for McKinney-Vento families. El Pollo Grill will be donating food for over 200 people and Love Thy Neighbor will be donating toys for 150 children.
- Hearts and Hands Working Together Converse Shoe Giveaway scheduled for December 18, 2019 from 5:00 p.m. to 8:00 p.m., 30 students will receive free shoes, a toy from Santa and dinner will also be provided by the Hearts and Hands Working Together organization.

RECOMMENDATION:

Ratify the Love Thy Neighbor Holiday Dinner on Tuesday, December 17th and the Hearts and Hands Working Together - Converse Shoes Giveaway on Wednesday, December 18th at Willow School at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Safety, Climate and Student Engagement – Action 2.6: Provide enrichment opportunities and programs for students to improve the academic environment (i.e. College Readiness, Compact for Success, Junior Achievement, etc.) and to include extended year educational experiences and activities.

Renewal New Amendment Ratify Other

Business Services Reviewed: _____

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A
(Amount)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



San Ysidro
School District EST - 1887
QUALITY EDUCATION AND OPPORTUNITY FOR ALL STUDENTS TO SUCCEED



**LOVE THY
NEIGHBOR**
M O V E M E N T

Your family has been invited to a special Holiday Dinner hosted by Love Thy Neighbor at Willow School Cafeteria. Children will receive a special gift and dinner from El Pollo Grill. Please bring the family to this joyous event. Limited Space is available so please call and reserve your seats with Marisela Gonzalez at (619) 428-2231 x3793.

Su familia ha sido invitada a una cena especial por motivo de las festividades navideñas organizado por "Love Thy Neighbor" en la cafetería de la escuela Willow. Los niños recibirán un regalo especial y cena donada por El Pollo Grill. Favor de asistir con su familia a este alegre evento. El espacio disponible es limitado. Favor de llamar y reservar sus asientos con Marisela Gonzalez al (619) 428-2231 x3793.

Location/Lugar:

Willow School's Cafeteria / Cafetería de la Escuela Willow
226 Willow Road, San Ysidro CA 92173



Date-Time/Fecha-Hora:

Tuesday, December 17th, 2019/ Martes, 17 de Diciembre del 2019

6:00 pm - 8:00 pm



17C.2

Page 2 of 3



San Ysidro
School District EST - 1887
QUALITY EDUCATION AND OPPORTUNITY FOR ALL STUDENTS TO SUCCEED

CONVERSE SHOES CELEBRATION
WEDNESDAY—DECEMBER 18, 2019
5:00 PM TO 7:00 PM



HEARTS and HANDS
working together



Willow Elementary Cafeteria
226 Willow Road, San Ysidro, CA. 92173



Congratulations!

Your child has been selected to participate in a very special Christmas Party and will receive a pair of brand new Converse Shoes. Breakfast will be provided for the selected child and one parent. We encourage your child to write or draw a thank you letter to Hearts and Hands Working Together and Converse Shoes. All children must be present to receive their shoes; please call to confirm your attendance with Veronica Medina at (619) 428-4476 x 3083.

Happy Holidays!

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *OC*
 Informational
 Action

AGENDA ITEM: GOGUARDIAN LICENSES FROM AMPLIFY IT FOR SAFER ONLINE STUDENT ACCESS

BACKGROUND INFORMATION:

Amplified IT is an education-focused consultancy that brings a unique blend of technological skills and knowledge to the K-12 and Higher Education market to enable and empower IT staff to leverage the innovation of Google for Education and Google Cloud.

GoGuardian Teacher is a classroom management platform that provides a view into student's online activity and control over their devices so that teachers can feel comfortable embracing technology in the classroom.

Services to be provided by GoGuardian are:

- Screen Sharing: Allow teachers to view student's screens to make sure they are on task
- Browser Controls: Open or close tabs, lock browsers or screens, or share links with students
- Set Scenes: Create custom work, study, and testing environments
- Activity Timeline: View every student browsing activity, past or present, on a single, easy-to-navigate page
- Chat with Students: Ability to engage directly with individual students

RECOMMENDATION:

Approve the renewal of the GoGuardian licenses from Amplified IT as a tool to facilitate safer access to online educational materials at a total cost of \$10,549.00 from the Supplemental and Concentration fund.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Safety, Climate and Student Engagement.

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

\$10,549.00

(Amount)

Supplemental & Concentration Fund

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Amplified IT
812 Granby Street

Norfolk VA 23510



San Ysidro Middle School District [DLP]
Todd Lewis
4350 Otay Mesa Road
San Diego CA 92154

Quote # 00114534
Quote Date November 25, 2019
Quote Total (USD) \$10,549.00

Item	Description	Unit Cost	Quantity	Line Total
GOGUARDIAN-TEACHER - 1YR	1500 - 3499 (GG-TCR1Y-001500): GoGuardian for Teachers: Classroom management solution - 1 year license	5.50	1918	10,549.00
Onboarding - 3rd Party	First Line Support & Escalation	500.00	1	500.00
Discount	First Line Support & Escalation	-500.00	1	-500.00
Quote Total (USD)				\$10,549.00

Terms

This quote is valid for 28 days from issue.

Please send purchase orders to info@amplifiedit.com or fax to 757-585-3550.

Full payment is required within 30 days of Invoice.

Notes

Subscription dates: 2020-01-31 - 2021-01-30

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM: Educational Services
Manuela Colom, Executive Director

INITIAL: *OC*
 Informational
 Action

AGENDA ITEM: FIELD TRIPS TO THE USS MIDWAY MUSEUM FOR 6TH GRADE STUDENTS FROM OCEAN VIEW HILLS SCHOOL

BACKGROUND INFORMATION:

Educational Services Department is requesting approval for 6th grade students from Ocean View Hills School to participate in field trips to the USS Midway Museum.

Approximately 150 6th grade students will participate on these field trips, which will give them the opportunity to learn about the Cybersecurity Program.

Field trips are scheduled as follows:

- February 13, 2020
- February 20, 2020
- February 27, 2020
- March 5, 2020
- March 12, 2020
- March 19, 2020

Only one 6th grade class per day will be attending and students will be chaperoned by SciPhy and classroom teachers. The Classroom of the Future Foundation will be covering the cost of transportation and entrance fees for the USS Midway.

RECOMMENDATION:

Approve the field trips to the USS Midway Museum for approximately 150 6th grade students and teacher chaperones on the dates mentioned above at the cost of \$1,100.00 for teacher substitutes from the General fund.

LCAP GOAL AND ACTION/SERVICE:

Goal 1: Student Achievement ~ Action 2.6: Provide enrichment opportunities and programs for students to improve the academic environment (i.e. College Readiness, Compact for Success, Junior Achievement, etc.) and to include extended year educational experiences and activities.

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

\$1,100.00

(Amount)

General Fund

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM: Educational Services
Manuela Colom, Executive Director

INITIALS 
 Informational
 Action

AGENDA ITEM: PROFESSIONAL DEVELOPMENTS – DECEMBER

BACKGROUND INFORMATION:

In order to stay in compliance with State, Federal and local laws, our staff at the different sites and/or departments will participate in diverse professional developments throughout the year. These trainings/conferences and/or workshops will give our staff the opportunity to be better prepared and will reflect in the academic success of our students.

The following is a list of professional developments up for the December 19, 2019 Board meeting:

- Governor's Budget Workshop
- SIPPS Training
- Exemplary Elementary Physical Education Site Visits
- ACCF/CPPS Technical Assistance Workshop – Completing the RFP
- Comprehensive Support and Improvement PL Series, Cohort 1
- Passion, Purpose, Potential and Pathways: How Educators Leverage Middle Schoolers Interests
- Language Development, Cognition, & Learning: Lessons from Students who are Deaf or Hard of Hearing
- "Assessing Els with Significant Cognitive Disabilities" "Writing Culturally & Linguistically Appropriate IEP Goals"
- Teaching Pyramid Module 1: Promoting Children's Success: Building Relationships and Creating Supportive Environment
- California School Public Relations Association (CalSPRA) – 2020 Annual Conference
- 2020 California School Nurses Organization Conference
- Governor's Budget Workshop By Capital Advisors
- Key Issues in Special Education: What Administrators Need to Know
- 2020 America's Best Urban Schools Symposium – "Leadership for Excellence and Equity"
- After Conference Credentials Workshop
- 2020 Innovating for Equity Summit
- AB-5 Independent Contractor Training

Cost implications might include: Registration fees, lodging, parking, meals, mileage and substitute teacher compensation, as needed.

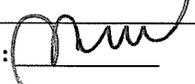
RECOMMENDATION:

Approve/Ratify the attendance and participation of District staff (see attached list) to the different professional developments, as scheduled.

LCAP GOAL AND ACTION/SERVICE:

Goal 1: Student Achievement – Action 1.14: Provide professional development opportunities to improve teaching and learning in the areas of English Language Arts (ELA), English Language Development (ELD), Mathematics, Science, and Social Studies. Professional development includes training specifically designed to address the achievement gap for students with disabilities.

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

APPROXIMATE COST

\$21,533.00

(Amount)

General, Title II, Special Education Funds & CSI Grant

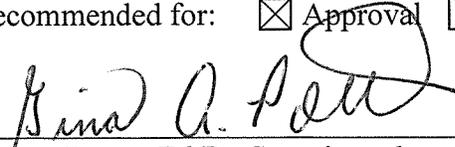
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

17C.5

Page 1 of 5


 Gina A. Potter, Ed.D., Superintendent
 Secretary to the Board

PROFESSIONAL DEVELOPMENT**Item 14D.5**

Approve/Ratify the attendance and participation of District staff to the different professional developments, as scheduled.

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Veronica Medina, Omar Calleros	ACCF/CPPS Technical Assistance Workshop – Completing the RFP	San Diego	November 15, 2019	\$0	No Cost
Mark Kircher	Exemplary Elementary Physical Education Site Visits	SDCOE	March 19, 2020	\$50.00	Special Education Fund
Marilyn Adrianzen, Amber Elliott, Natalie La Rosa, Guillermina Sandez, Rodrigo Amezquita, Daniel Chavez, Board Members (2 TBD)	Governor's Budget Workshop	Ontario, CA	January 15, 2020	\$3,600.00	General Fund
Laura English, Marielena Amezcuca, Ginny Panzella, Maria Rodriguez, Michelle Patterson, Sashanae Buchanan	Comprehensive Support and Improvement PL Series, Cohort 1	San Diego	January 22, 2020 March 18, 2020 May 21, 2020	\$4,500.00	CSI Grant
Lupita Garcia, Carmen Martinez	Passion, Purpose, Potential and Pathways: How Educators Leverage Middle Schoolers Interests	San Diego	December 3, 2019 January 21, 2020	\$600.00	Title II Fund

17C.5

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Rick Quintana	Language Development, Cognition, & Learning: Lessons from Students who are Deaf or Hard of Hearing	San Diego	February 28, 2020	\$50.00	Special Education Fund
David Farkas, Linda Gonzales	After Conference Credentials Workshop	NCREC, SDCOE	January 9, 2020 January 7, 2020	\$0	No Cost
Kathleen Cordero, Shefali Chauhan, Patricia Manley, Josefina Villegas, Sashanae Buchanan, Marianna Rochin, Aleyda Santoyo, Amanda Huotari, Elizabeth Stratton, Sarah Boron-Trotter, Mary Davis	“Assessing ELs with Significant Cognitive Disabilities” “Writing Culturally & Linguistically Appropriate IEP Goals”	SDCOE	February 21, 2020	\$0	No Cost
Laura English, Jenielle Ednalino, Marlo Vazquez, Daisy Martinez, Viridiana Moreno, Cinthia Nunez, Earl Kim, Ginny Panzella, Lexa Glantz	SIPPS Training	San Diego	February 3-7, 2020	\$2,200.00	CSI Grant
Cynthia Luna, Natalia Franco, Dulce Huerta	Teaching Pyramid Module 1: Promoting Children's Success: Building Relationships and Creating	San Diego	December 9, 2019	\$0	No Cost

17C.5

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
	Supportive Environment				
Manuela Colom, Cynthia Gonzalez	2020 Innovating for Equity Summit	Anaheim, CA	February 11-12, 2020	\$3,700.00	Title II Fund
Francisco Mata	California School Public Relations Association (CalSPRA) - 2020 Annual Conference	Newport Beach, CA	March 12-14, 2020	\$1,100.00	General fund
Anita Gillchrest	2020 California School Nurses Organization Conference	Orange County	February 13-16, 2020	\$1,800.00	Special Education Fund
Gina Potter, Marilyn Adrianzen, Manuela Colom, David Farkas, Amber Elliott, Irene Lopez (Bd), Rudy Lopez (Bd)	Governor's Budget Workshop By Capitol Advisors	SDCOE	January 21, 2020	\$33.00 (Mileage)	General Fund
David Farkas	AB-5 Independent Contractor Training	SDCOE	January 9, 2020	\$0	No Cost
Laura English, Consuelo Carranza, Russell Little, Efrain Burciaga, Maria Rodriguez, Irene Herrera-Cevallos,	Key Issues in Special Education: What Administrators Need to Know	SCREC	February 20, 2020	\$0	No Cost

17C.5

PARTICIPANT(S)	EVENT	PLACE	FROM/TO	COST	FUNDING
Manuel Bojorquez, Oscar Madera					
Gina Potter, Manuela Colom, Cynthia Gonzalez, Oscar Madera, Kathleen Cordero, Laura English, Consuelo Carranza, Erika Meza, Russell Little, Efrain Burciaga, Manuel Bojorquez, Maria Rodriguez, Maria Preciado, Irene Herrera Cevallos,	2020 America's Best Urban Schools Symposium – "Leadership for Excellence and Equity"	La Jolla	May 12, 2020	\$3,900.00	Title II Fund

BUSINESS

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM: Business Services
Marilyn Adrianzen, Chief Business Official

INITIAL: MA
 Informational
 Action

AGENDA ITEM: PURCHASING REPORT

BACKGROUND INFORMATION:

In order for the District to conduct the educational programs, expenditures are necessary. The function of a purchase order is to receive pre-approval for expenditures and set aside funds before services are performed and goods are received. When possible, purchase orders are made estimating the amount to be used over the course of the school year. Purchase orders are created and approved in the Business Services Department in addition to requisitions created by sites and other departments.

Report #5 (November 4, 2019 through December 4, 2019): ▪ General Fund: 0000005783-0000005810, 0000005812-0000005813, 0000005815-0000005838, 0000005840-5867 ▪ Child Nutrition Fund: 0000005839.

RECOMMENDATION:

Ratify the following purchase orders incurred by the District during the period November 4, 2019 through December 4, 2019.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other Business Services Reviewed: MA

Financial Implications? Are funds for this item available in the 2019-2020 Budget? Requisition #

Yes No Yes No

(Amount) (Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter
Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

PURCHASING REPORT (11/04/19 - 12/04/2019)

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
11/4/2019	0000005783	SCHOOL SERVICES OF CALIFORNIA	000588	PROFESSIONAL SERVICES	0100	0000000	5800000	071	\$ 4,550.00
11/4/2019	0000005784	SPARKLETTTS	004833	CONTRACTED SERVICES	0100	0000000	5800010	071	\$ 2,000.00
11/5/2019	0000005785	HAWTHORNE MACHINERY	000379	CONTRACTED SERVICES	0100	0982000	5600005	074	\$ 1,818.37
11/5/2019	0000005786	ACSA	002874	REGISTRATION FEE	0100	4035000	5200003	061	\$ 2,570.00
11/5/2019	0000005787	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	5640000	4300001	052	\$ 276.95
11/5/2019	0000005788	HOME DEPOT	001161	OFFICE SUPPLIES	0100	5640000	4300001	052	\$ 252.01
11/5/2019	0000005789	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0490000	4300001	052	\$ 206.85
11/5/2019	0000005790	HAWTHORNE MACHINERY	000379	CONTRACTED SERVICES	0100	0982000	5600005	074	\$ 2,246.14
11/5/2019	0000005791	HAWTHORNE MACHINERY	000379	CONTRACTED SERVICES	0100	0982000	5600005	074	\$ 4,179.60
11/5/2019	0000005792	HAWTHORNE MACHINERY	000379	CONTRACTED SERVICES - Bus repairs	0100	0982000	5600005	074	\$ 12,514.50
11/6/2019	0000005793	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	025	\$ 1,659.52
11/6/2019	0000005794	SOUTHWEST SCHOOL & OFFICE	003377	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	025	\$ 224.67
11/6/2019	0000005795	CABE SD SOUTH COUNTY	003249	REGISTRATION FEES	0100	3010004	5200000	016	\$ 600.00
11/6/2019	0000005796	CROWN AWARDS	0000000495	OFFICE SUPPLIES	0100	0000000	4300011	063	\$ 3,519.27
11/7/2019	0000005797	BLACKIE'S TROPHIES & AWARDS	002056	AWARDS & INCENTIVES - Open PO	0100	0000000	4300011	063	\$ 15,000.00
11/7/2019	0000005798	US GAMES	004560	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	024	\$ 448.78
11/7/2019	0000005799	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0980002	4300001	061	\$ 640.22
11/7/2019	0000005800	COMMUNITY PLAYTHINGS	0000000454	INSTRUCTIONAL SUPPLIES	0100	0000000	4300000	010	\$ 1,939.50
11/7/2019	0000005801	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0980002	4300001	061	\$ 341.93
11/7/2019	0000005802	CABE SD SOUTH COUNTY	003249	REGISTRATION FEES	0100	4203000	5200003	061	\$ 1,700.00
11/7/2019	0000005803	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0980002	4300001	061	\$ 688.21
11/7/2019	0000005804	SOUTHWEST SCHOOL & OFFICE	003377	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	018	\$ 229.87
11/7/2019	0000005805	COOLE SCHOOL	002580	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	012	\$ 707.38
11/7/2019	0000005806	DEMCO INC.	000058	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	020	\$ 172.39
11/7/2019	0000005807	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0490000	4300001	052	\$ 197.31
11/7/2019	0000005808	SAN DIEGO COUNTY SUPERINTENDEN	003311	REGISTRATION FEES	0100	3010000	5200003	061	\$ 4,760.00
11/7/2019	0000005809	SIR SPEEDY PRINTING 02890	004601	INSTRUCTIONAL SUPPLIES	0100	0000000	4300011	061	\$ 304.66
11/7/2019	0000005810	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0000000	4300001	022	\$ 195.48
11/8/2019	0000005812	OFFICE DEPOT	000809	INSTRUCTIONAL SUPPLIES	0100	6500000	4300011	054	\$ 91.13
11/8/2019	0000005813	SAN DIEGO COUNTY	001178	REGISTRATION FEES	0100	4035000	5200003	061	\$ 750.00
11/8/2019	0000005815	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0980002	4300001	061	\$ 592.29
11/8/2019	0000005816	OFFICE DEPOT	000809	OFFICE SUPPLIES	0100	0000000	4300000	016	\$ 103.33
11/8/2019	0000005817	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0000001	4300001	061	\$ 96.94
11/8/2019	0000005818	SCRIPPS NATIONAL SPELLING BEE	002030	REGISTRATION FEE	0100	0000000	4300001	022	\$ 165.00
11/8/2019	0000005819	CENTER FOR EDUCATION & EMPLOYMENT LAW	0000000683	OFFICE SUPPLIES	0100	0000000	4300000	016	\$ 283.95
11/8/2019	0000005820	CPI	002776	REGISTRATION FEES	0100	3327000	5200003	054	\$ 989.00
11/8/2019	0000005821	AMAZON.COM, INC.	004678	INSTRUCTIONAL SUPPLIES	0100	0980002	4300001	061	\$ 972.31
11/8/2019	0000005822	SPINITAR/PRESENTATION PRODUCTS	001725	OFFICE SUPPLIES	0100	0000000	4300001	025	\$ 603.92
11/8/2019	0000005823	PROTECT CONNECT EDUCATE SOLUTIONS	0000000356	REGISTRATION FEES	0100	4035000	5200003	061	\$ 2,151.00
11/8/2019	0000005824	PROTECT CONNECT EDUCATE SOLUTIONS	0000000356	REGISTRATION FEES	0100	4035000	5200003	061	\$ 796.00
11/8/2019	0000005824	R&L PERFORMANCE AUTO SERVICE	003573	CONTRACTED SERVICES	0100	8150000	5600005	070	\$ 473.26
11/8/2019	0000005825	DANNIS WOLIVER KELLEY	0000000390	LEGAL SERVICES	0100	0000000	5800150	054	\$ 7,293.44
11/8/2019	0000005826	DANNIS WOLIVER KELLEY	0000000390	LEGAL SERVICES	0100	0000000	5800150	054	\$ 7,475.00
11/8/2019	0000005827	SCHOLASTIC, INC	000273	INSTRUCTIONAL SUPPLIES	0100	3010000	4200000	016	\$ 5,848.80
11/12/2019	0000005828	SWANK MOVIE LICENSING USA	004448	MOVIE LICENSING	0100	0000000	5800006	061	\$ 13,152.00
11/13/2019	0000005829	WAXIE SANITARY SUPPLY	000136	CUSTODIAL SUPPLIES	0100	0000000	4300020	069	\$ 1,218.26

PURCHASING REPORT (11/04/19 - 12/04/2019)

PO Date	PO No.	Supplier	Supplier	PO Ref	Fund	Resource	Object	Site	Total by Account
11/13/2019	0000005830	ID SERVICES INC.	0000000684		0100	0000000	4400000	062	\$ 1,997.63
11/14/2019	0000005831	ANYTIME SIGN SOLUTION, INC	003934		0100	8150000	5600005	070	\$ 3,254.49
11/14/2019	0000005832	YMCA OF SAN DIEGO COUNTY	002722		0100	4124000	5800010	061	\$ 100,035.00
11/14/2019	0000005832	YMCA OF SAN DIEGO COUNTY	002722		0100	9065005	5800010	061	\$ 787,368.67
11/14/2019	0000005833	DALE SCOTT & COMPANY, INC.	0000000685		0100	0000000	5800000	071	\$ 30,000.00
11/14/2019	0000005834	WINET PATRICK GAYER CREIGHTON	0000000292		0100	0000000	5800002	071	\$ 20,000.00
11/14/2019	0000005835	ANYTIME SIGN SOLUTION, INC	003934		0100	0000000	4300011	020	\$ 355.84
11/14/2019	0000005836	SOUTHWEST SCHOOL & OFFICE	003377		0100	0000000	4300001	012	\$ 3,978.00
11/15/2019	0000005837	AZTEC CONTAINER	0000000077		0100	8150000	5600001	070	\$ 2,424.36
11/15/2019	0000005838	CREATIVE BUS SALES, INC.	004686		0100	0982000	5600005	074	\$ 1,040.34
11/18/2019	0000005840	AMAZON.COM, INC.	004678		0100	3010000	4300001	022	\$ 6,367.57
11/20/2019	0000005841	CREATIVE BUS SALES, INC.	004686		0100	0983000	6400000	074	\$ 62,905.83
11/21/2019	0000005842	AMPLIFY EDUCATION INC.	0000000464		0100	0000000	4100000	061	\$ 64.66
11/21/2019	0000005843	SAN DIEGO COUNTY	001178		0100	0000000	4300000	016	\$ 377.86
11/21/2019	0000005844	AMAZON.COM, INC.	004678		0100	0000000	4300001	025	\$ 687.27
11/21/2019	0000005845	BEST BEST & KRIEGER LLP	004309		0100	0000000	5800002	063	\$ 18,330.10
11/21/2019	0000005846	AMAZON.COM, INC.	004678		0100	5630000	4400000	061	\$ 2,550.44
11/21/2019	0000005847	CURRICULUM ASSOC. INC.	000437		0100	3010000	4300001	020	\$ 10,744.44
11/21/2019	0000005848	AREY JONES EDU. SOLUTIONS	000407		0100	0000000	4300011	025	\$ 468.26
11/21/2019	0000005849	CSBA	000651		0100	0000000	5200003	064	\$ 1,500.00
11/21/2019	0000005850	PEARSON	003722		0100	6500000	4300003	054	\$ 556.00
11/21/2019	0000005851	AMAZON.COM, INC.	004678		0100	8150000	4300007	070	\$ 2,960.16
11/21/2019	0000005852	SCHOOL SPECIALTY	000535		0100	8150000	4300007	070	\$ 124.45
11/22/2019	0000005853	HAMEL INTERIORS INC.	0000000690		0100	0490000	4400000	054	\$ 10,922.48
12/2/2019	0000005854	WAXIE SANITARY SUPPLY	000136		0100	0000000	4300020	069	\$ 5,630.55
12/2/2019	0000005855	LAW OFFICES OF SCHWARTZ&STOREY	004546		0100	0000000	5800150	054	\$ 5,500.00
12/2/2019	0000005856	SOUTHWEST SCHOOL & OFFICE	003377		0100	0000000	9320000		\$ 6,016.76
12/2/2019	0000005857	MY PT. SAN DIEGO	0000000171		0100	6500000	5800010	054	\$ 20,000.00
12/2/2019	0000005858	WALSH & ASSOCIATES, APC	0000000599		0100	0000000	5800002	071	\$ 50,000.00
12/2/2019	0000005859	REENA PATEL	0000000688		0100	0000000	5800150	054	\$ 3,500.00
12/2/2019	0000005860	EL FOLKLOR MEXICANO INC.	0000000604		0100	0980002	4300001	061	\$ 196.02
12/3/2019	0000005861	WESTERN GRAPHIX	003529		0100	0982000	4300011	074	\$ 238.69
12/3/2019	0000005862	DALIA CHAVEZ	0000000691		0100	0000000	5800150	054	\$ 6,000.00
12/3/2019	0000005863	NADIA BRAUN	0000000692		0100	0000000	5800150	054	\$ 7,700.00
12/4/2019	0000005864	AMAZON.COM, INC.	004678		0100	0300020	4300001	020	\$ 1,683.75
12/4/2019	0000005865	GOPHER SPORT	001238		0100	0000000	4300013	025	\$ 1,055.13
12/4/2019	0000005866	AMAZON.COM, INC.	004678		0100	0000000	4300011	024	\$ 370.34
12/4/2019	0000005867	WAXIE SANITARY SUPPLY	000136		0100	0000000	4300020	069	\$ 5,159.99
Total for 0100									\$ 1,289,064.32
11/18/2019	0000005839	EL TAPATIO CATERING	002754		1300	5310000	5800030	085	\$ 7,000.00
Total for 1300									\$ 7,000.00
Grand Total									\$ 1,296,064.32

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM: Business Services
Marilyn Adrianzen, Chief Business Official

INITIAL: 
 Informational
 Action

AGENDA ITEM: EXPENDITURE REPORT

BACKGROUND INFORMATION:

The District is required to pay for goods and services it uses to conduct the educational and support programs. Prior to payment, supporting documents such as contracts with the appropriate approvals and proof of receipt for the goods or services are collected. Invoices to be paid are submitted to the Business Services Department for payment processing. Warrants are printed at San Diego County Office of Education then returned to the Business Services Department for signature.

The following are expenditures incurred by the District during the period of November 5, 2019 through December 5, 2019 with checks #14-611931 through #14-623737 for a total expenditure of \$862,778.85 from the following sources:

- General Fund - \$732,095.91
- Child Nutrition- \$125,682.94
- Capital Projects- \$5,000.00

RECOMMENDATION:

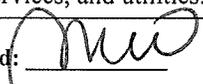
Approve/Ratify the expenditures incurred by the District during the period of November 5, 2019 through December 5, 2019 for a total expenditure of \$862,778.85.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal No.: Base Services and Safety

2.1 Maintain basic operating services of the district including MOT personnel, transportation, contracted services, and utilities.

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

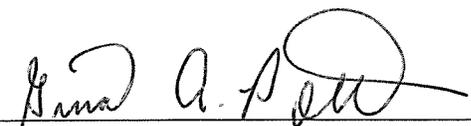
Yes No

\$862,778.85
(Amount)

Various (see above)
(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14611931	EBS - EDUATIONAL BASED SERVICES	11/5/2019	\$ 26,812.50	0100	PROFESSIONAL SERVICES
14611932	CROSS COUNTRY STAFFING, INC.	11/5/2019	\$ 1,120.00	0100	CONTRACTED SERVICES
14611933	SAFEMAY INC. -VONS DIVISION	11/5/2019	\$ 215.64	0100	INSTRUCTIONAL SUPPLIES
14611934	CALIFORNIA DEPT. OF JUSTICE	11/5/2019	\$ 392.00	0100	CONTRACTED SERVICES
14611935	STAPLES, INC.	11/5/2019	\$ 168.43	0100	OFFICE SUPPLIES
14611936	SMART & FINAL	11/5/2019	\$ 80.16	0100	INSTRUCTIONAL SUPPLIES
14611937	VERONICA MEDINA	11/5/2019	\$ 201.27	0100	MILEAGE
14611938	SAN DIEGO CENTER FOR CHILDREN	11/5/2019	\$ 3,086.16	0100	PROFESSIONAL SERVICES
14612621	KEENAN & ASSOCIATES	11/6/2019	\$ 225.30	0100	REFUND
14612622	EBS - EDUATIONAL BASED SERVICES	11/6/2019	\$ 28,800.00	0100	PROFESSIONAL SERVICES
14612623	MAXIM HEALTHCARE SERVICES, INC	11/6/2019	\$ 32,498.95	0100	PROFESSIONAL SERVICES
14612624	EL FOLKLOR MEXICANO INC.	11/6/2019	\$ 2,477.97	0100	INSTRUCTIONAL SUPPLIES
14612625	SAN DIEGO GAS & ELECTRIC	11/6/2019	\$ 3,753.47	0100	CONTRACTED SERVICES
14612626	WILKINSON HADLEY KING & SPRINT	11/6/2019	\$ 1,825.00	0100	PROFESSIONAL SERVICES
14612627		11/6/2019	\$ 3,774.89	0100	CONTRACTED SERVICES
14612628	THE INSTITUTE FOR EFFECTIVE	11/6/2019	\$ 14,668.68	0100	PROFESSIONAL SERVICES
14612629	SPINITAR/PRESENTATION PRODUCTS	11/6/2019	\$ 2,348.38	0100	OFFICE SUPPLIES
14612630	ASELTINE SCHOOL	11/6/2019	\$ 5,475.30	0100	PROFESSIONAL SERVICES
14612631	DECISIONSITE	11/6/2019	\$ 995.00	0100	PROFESSIONAL SERVICES
14612632	AT&T	11/6/2019	\$ 9,774.38	0100	UTILITIES - PHONE SERVICES
14612633	HOTSY EQUIPMENT COMPANY	11/6/2019	\$ 55.44	0100	MAINTENANCE SUPPLIES
14612634	SAN YSIDRO SCHOOL DISTRICT	11/6/2019	\$ 510.00	0100	REPLENISH PL TRUST
14612635	PEARSON	11/6/2019	\$ 6,017.99	0100	INSTRUCTIONAL SUPPLIES
14612636	ALBERTO CARLOS HERRERA	11/6/2019	\$ 5,240.96	0100	SPORT SUPPLIES
14612637	SPARKLETT'S	11/6/2019	\$ 755.99	0100	REFRESHMENT
14614027	NAUMANN HOBBS MATERIAL	11/8/2019	\$ 224.59	0100	CONTRACTED SERVICES
14614028	LAKESHORE	11/8/2019	\$ 386.78	0100	INSTRUCTIONAL SUPPLIES
14614029	DUNN-EDWARDS CORP.	11/8/2019	\$ 2,108.34	0100	MAINTENANCE SUPPLIES
14614030	SCHOOL SERVICES OF CALIFORNIA	11/8/2019	\$ 3,900.00	0100	PROFESSIONAL SERVICES
14614031	OFFICE DEPOT	11/8/2019	\$ 2,940.24	0100	OFFICE SUPPLIES
14614032	CDW GOVERNMENT LLC	11/8/2019	\$ 349.98	0100	OFFICE SUPPLIES
14614033	REALLY GOOD STUFF, LLC	11/8/2019	\$ 39.98	0100	INSTRUCTIONAL SUPPLIES
14614034	WILLIAM V. MAC GILL & CO.	11/8/2019	\$ 925.45	0100	MEDICAL SUPPLIES

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14614035	WILLY'S ELECTRONIC SUPPLY CO.	11/8/2019	\$ 295.86	0100	MAINTENANCE SUPPLIES
14614036	FERGUSON ENTERPRISES, INC#1350	11/8/2019	\$ 163.70	0100	MAINTENANCE SUPPLIES
14614037	IMPERIAL SPRINKLER SUPPLY	11/8/2019	\$ 980.01	0100	GROUNDS SUPPLIES
14614038	WAL- MART COMMUNITY/GEGRB	11/8/2019	\$ 171.97	0100	INSTRUCTIONAL SUPPLIES
14614039	ANYTIME SIGN SOLUTION, INC	11/8/2019	\$ 1,007.40	0100	MAINTENANCE SUPPLIES
14614040	GALLAGHER BENEFIT SERVICES, INC	11/8/2019	\$ 443.70	0100	PROFESSIONAL SERVICES
14614650	VECTOR USA	11/12/2019	\$ 9,222.26	0100	PROFESSIONAL SERVICES
14614651	SASHANAE BUCHANAN	11/12/2019	\$ 824.61	0100	PROFESSIONAL SERVICES
14614652	MARTIN GALANTE	11/12/2019	\$ 205.55	0100	REIMBURSEMENT
14614653	COMPLIANCE POSTER COMPANY	11/12/2019	\$ 113.85	0100	OFFICE SUPPLIES
14614654	CPI	11/12/2019	\$ 989.00	0100	REGISTRATION FEES
14615221	MARK KIRCHER	11/13/2019	\$ 38.11	0100	MILEAGE
14615222	PROJECT LEAD THE WAY INC	11/13/2019	\$ 12,351.04	0100	INSTRUCTIONAL SUPPLIES
14615223	AMBER ELLIOTT	11/13/2019	\$ 179.68	0100	MILEAGE
14615224	EVELYN ZARZOSA	11/13/2019	\$ 116.60	0100	MILEAGE
14615225	SASHANAE BUCHANAN	11/13/2019	\$ 198.44	0100	REIMBURSEMENT
14615226	ANITA GILLCHREST	11/13/2019	\$ 57.07	0100	MILEAGE
14615227	R&L PERFORMANCE AUTO SERVICE	11/13/2019	\$ 439.22	0100	CONTRACTED SERVICES
14615228	ARELY AMES	11/13/2019	\$ 208.33	0100	REIMBURSEMENT
14615710	PROTECT CONNECT EDUCATE SOLUTIONS	11/14/2019	\$ 2,947.00	0100	REGISTRATION FEES
14615711	DANNIS WOLIVER KELLEY	11/14/2019	\$ 4,932.50	0100	LEGAL SERVICES
14615716	JOHNSON CONTROLS	11/14/2019	\$ 949.50	0100	CONTRACTED SERVICES
14615724	SWANK MOVIE LICENSING USA	11/14/2019	\$ 13,152.00	0100	MOVIE LICENSING
14616563	CAPITOL ADVISORS GROUP, LLC	11/15/2019	\$ 2,000.00	0100	PROFESSIONAL SERVICES
14616564	DECLUES, BURKETT & THOMPSON, APC	11/15/2019	\$ 13,538.48	0100	LEGAL FEES
14616565	PERMA BOUND PUB.	11/15/2019	\$ 250.31	0100	INSTRUCTIONAL SUPPLIES
14616566	APPLE INC	11/15/2019	\$ 1,781.46	0100	OFFICE EQUIPMENT
14616567	ULINE	11/15/2019	\$ 1,248.95	0100	OFFICE SUPPLIES
14616568	OTAY MESA SALES INC.	11/15/2019	\$ 1,395.36	0100	MAINTENANCE SUPPLIES
14616569	MPC ELECTRONICS INC	11/15/2019	\$ 58.67	0100	TECHNOLOGY SUPPLIES
14616570	COMMITTEE FOR CHILDREN	11/15/2019	\$ 6,792.00	0100	INSTRUCTIONAL SUPPLIES
14616571	MARIA C. RODRIGUEZ	11/15/2019	\$ 49.49	0100	REIMBURSEMENT
14617167	AZTEC CONTAINER	11/18/2019	\$ 1,616.24	0100	LEASE

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14617168	MRC SMART TECHNOLOGY SOLUTIONS	11/18/2019	\$ 3,089.57	0100	MAINTENANCE AGREEMENT
14617169	THE INSTITUTE FOR EFFECTIVE	11/18/2019	\$ 21,686.17	0100	PROFESSIONAL SERVICES
14617170	HOME DEPOT	11/18/2019	\$ 681.91	0100	MAINTENANCE SUPPLIES
14617171	ASELTINE SCHOOL	11/18/2019	\$ 6,496.86	0100	PROFESSIONAL SERVICES
14617172	YMCA OF SAN DIEGO COUNTY	11/18/2019	\$ 121,162.95	0100	PROFESSIONAL SERVICES
14617173	MIRAMAR BOBCAT INC	11/18/2019	\$ 166.13	0100	INSTRUCTIONAL SUPPLIES
14617909	FLYERS ENERGY	11/19/2019	\$ 5,775.75	0100	BUSES FUEL
14618803	WINET PATRICK GAYER CREIGHTON	11/20/2019	\$ 627.80	0100	LEGAL SERVICES
14618804	EBS - EDUATIONAL BASED SERVICES	11/20/2019	\$ 25,800.00	0100	PROFESSIONAL SERVICES
14618806	GARY SNEAG O.D. OPTOMETRIC CORP	11/20/2019	\$ 300.00	0100	PFOFESSIONAL SERVICES
14618807	DANNIS WOLIVER KELLEY	11/20/2019	\$ 14,768.44	0100	LEGAL SERVICES
14618808	CROSS COUNTRY STAFFING, INC.	11/20/2019	\$ 610.00	0100	CONTRACTED SERVICES
14618809	SCHOLASTIC , INC	11/20/2019	\$ 6,438.30	0100	INSTRUCTIONAL SUPPLIES
14618810	HAWTHORNE MACHINERY	11/20/2019	\$ 8,296.89	0100	CONTRACTED SERVICES
14618811	SCHOOL SPECIALTY	11/20/2019	\$ 106.34	0100	INSTRUCTIONAL SUPPLIES
14618812	HOME DEPOT	11/20/2019	\$ 4,606.35	0100	MAINTENANCE SUPPLIES
14618813	PARENT INSTITUTE FOR QUALITY	11/20/2019	\$ 6,570.00	0100	PROFESSIONAL SERVICES
14618814	SAN YSIDRO SCHOOL DISTRICT	11/20/2019	\$ 3,013.03	0100	REPLENISH PL TRUST
14618816	BROADWAY AUTO GLASS	11/20/2019	\$ 1,456.50	0100	CONTRACTED SERVICES
14618817	RUSSELL SIGLER, INC	11/20/2019	\$ 193.95	0100	MAINTENANCE SUPPLIES
14618819	SCHOOL OUTFITTERS	11/20/2019	\$ 9,501.71	0100	MAINTENANCE SUPPLIES
14618820	US GAMES	11/20/2019	\$ 102.31	0100	INSTRUCTIONAL SUPPLIES
14618821	XEROX CORPORATION	11/20/2019	\$ 5,397.67	0100	COPIER LEASE AGREEMENT
14618822	STOTZ EQUIPMENT	11/20/2019	\$ 1,532.97	0100	GROUND SUPPLIES
14619529	CRYSTAL CLEAR GLASS & MIRROR	11/21/2019	\$ 1,848.75	0100	MAINTENANCE SUPPLIES
14619530	P.I.P.S.	11/21/2019	\$ 77,751.66	0100	PROFESSIONAL SERVICES
14619531	CRISTINA D'OLEIRE	11/21/2019	\$ 13.69	0100	MILEAGE
14619532	OSCAR MADERA	11/21/2019	\$ 276.74	0100	REIMBURSEMENT
14619533	MARCOS MENDOZA	11/21/2019	\$ 22.73	0100	MILEAGE
14619534	ARDOR HEALTH SOLUTIONS	11/21/2019	\$ 5,871.00	0100	PROFESSIONAL SERVICES
14619535	CHRISTINE HILLS	11/21/2019	\$ 99.00	0100	REIMBURSEMENT
14619536	DANIEL CHAVEZ	11/21/2019	\$ 76.27	0100	MILEAGE
14619537	PAULO AZEVEDO	11/21/2019	\$ 154.28	0100	MILEAGE

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14619538	YOLANDA OLSZEWSKI	11/21/2019	\$ 34.83	0100	REIMBURSEMENT
14619539	ENRIQUETA MENDEZ	11/21/2019	\$ 85.10	0100	REIMBURSEMENT
14619540	DAVID FARKAS	11/21/2019	\$ 144.68	0100	REIMBURSEMENT
14619541	JORGE ACEVES	11/21/2019	\$ 23.72	0100	REIMBURSEMENT
14619542	NADEAN PEREZ	11/21/2019	\$ 127.14	0100	REIMBURSEMENT
14619543	STATE BOARD OF EQUALIZATION	11/21/2019	\$ 35.09	0100	DIESEL STATE TAX
14619544	OFFICE DEPOT	11/21/2019	\$ 5,566.69	0100	INSTRUCTIONAL SUPPLIES
14619545	CDW GOVERNMENT LLC	11/21/2019	\$ 1,961.29	0100	INSTRUCTIONAL SUPPLIES
14619546	CALIFORNIA DEPT. OF JUSTICE	11/21/2019	\$ 539.00	0100	CONTRACTED SERVICES
14619547	VALLEY INDUSTRIAL SPECIALTIES	11/21/2019	\$ 3,843.35	0100	MAINTENANCE SUPPLIES
14619548	ZENAIDA R. ROSARIO	11/21/2019	\$ 183.86	0100	REIMBURSEMENT
14619549	BEST BUY	11/21/2019	\$ 364.29	0100	TECHNOLOGY SUPPLIES
14619550	SYLVIA LUGO	11/21/2019	\$ 398.52	0100	REIMBURSEMENT
14619551	ARELY AMES	11/21/2019	\$ 167.20	0100	REIMBURSEMENT
14619552	NIRVANA BUSTOS	11/21/2019	\$ 149.18	0100	MILEAGE
14622335	CAROLINA JAIME	12/3/2019	\$ 249.15	0100	REIMBURSEMENT
14622336	MARSHA OMELENA	12/3/2019	\$ 88.74	0100	MILEAGE
14622337	ALEXIS TAPIA	12/3/2019	\$ 27.14	0100	MILEAGE
14622338	RUSSELL LITTLE	12/3/2019	\$ 20.17	0100	REIMBURSEMENT
14622339	KARINA VICTORINO	12/3/2019	\$ 219.24	0100	MILEAGE
14622340	WEX BANK	12/3/2019	\$ 3,822.10	0100	CONTRACTED SERVICES
14622341	MOISES CAMBEROS	12/3/2019	\$ 15.00	0100	REIMBURSEMENT
14622342	HAWTHORNE MACHINERY	12/3/2019	\$ 480.28	0100	MAINTENANCE SUPPLIES
14622343	CDW GOVERNMENT LLC	12/3/2019	\$ 286.23	0100	OFFICE SUPPLIES
14622344	ANITA GILLCHREST	12/3/2019	\$ 69.02	0100	MILEAGE
14622345	COOLE SCHOOL	12/3/2019	\$ 866.59	0100	INSTRUCTIONAL SUPPLIES
14622346	SOUTHWEST SCHOOL & OFFICE	12/3/2019	\$ 4,871.44	0100	INSTRUCTIONAL SUPPLIES
14622347	ROMEO DIACOSTA	12/3/2019	\$ 40.55	0100	MILEAGE
14622348	LAW OFFICES OF SCHWARTZ&STOREY	12/3/2019	\$ 5,500.00	0100	LEGAL FEES
14622349	ABA EDUCATION FOUNDATION	12/3/2019	\$ 2,112.75	0100	PROFESSIONAL SERVICES
14622949	VECTOR USA	12/4/2019	\$ 9,222.26	0100	PROFESSIONAL SERVICES
14622950	WALSH & ASSOCIATES, APC	12/4/2019	\$ 17,603.60	0100	LEGAL SERVICES
14622951	DALIA CHAVEZ	12/4/2019	\$ 6,000.00	0100	REIMBURSEMENT

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14622952	NADIA BRAUN	12/4/2019	\$ 3,500.00	0100	PROFESSIONAL SERVICES
14622953	WAXIE SANITARY SUPPLY	12/4/2019	\$ 197.98	0100	CUSTODIAL SUPPLIES
14622954	JOHNSON CONTROLS	12/4/2019	\$ 9,003.76	0100	CONTRACTED SERVICES
14622955	ACSA	12/4/2019	\$ 2,570.00	0100	REGISTRATION FEE
14622956	PEARSON	12/4/2019	\$ 350.00	0100	INSTRUCTIONAL SUPPLIES
14622957	TEAMTALK NETWORK	12/4/2019	\$ 397.80	0100	CONTRACTED SERVICES
14622958	AGUILAR ARCHITECTS, INC	12/4/2019	\$ 6,931.00	0100	PROFESSIONAL SERVICES
14623729	MY PT SAN DIEGO	12/5/2019	\$ 11,830.00	0100	PROFESSIONAL SERVICES
14623730	EBS - EDUATIONAL BASED SERVICES	12/5/2019	\$ 8,120.00	0100	PROFESSIONAL SERVICES
14623731	MAXIM HEALTHCARE SERVICES, INC	12/5/2019	\$ 32,216.54	0100	PROFESSIONAL SERVICES
14623732	JOHNSON CONTROLS	12/5/2019	\$ 1,137.50	0100	CONTRACTED SERVICES
14623733	CDW GOVERNMENT LLC	12/5/2019	\$ 6,647.54	0100	OFFICE EQUIPMENT
14623734	RCP BLOCK & BRICK	12/5/2019	\$ 847.59	0100	GROUND SUPPLIES
14623735	HD SUPPLY FACILITIES	12/5/2019	\$ 7,014.74	0100	MAINTENANCE SUPPLIES
14623736	WAL- MART COMMUNITY/GEGRB	12/5/2019	\$ 260.95	0100	INSTRUCTIONAL SUPPLIES
14623737	PRO POWER	12/5/2019	\$ 589.01	0100	GROUNDS SUPPLIES
Total Fund 01			\$ 732,095.91		
14615709	GOLD STAR FOODS	11/14/2019	\$ 52,316.02	1300	CAFETERIA FOOD
14615712	SYSCO SAN DIEGO INC.	11/14/2019	\$ 1,001.38	1300	CAFETERIA SUPPLIES
14615713	HOLLANDIA DAIRY INC.	11/14/2019	\$ 25,299.63	1300	CAFETERIA FOOD
14615714	SAFEWAY INC. -VONS DIVISION	11/14/2019	\$ 136.44	1300	REFRESHMENTS
14615715	P&R PAPER SUPPLY COMPANY, INC.	11/14/2019	\$ 8,320.88	1300	CAFETERIA PAPER GOODS
14615717	LLOYD PEST CONTROL CO.	11/14/2019	\$ 224.00	1300	CONTRACTED SERVICES
14615718	SMART & FINAL	11/14/2019	\$ 697.82	1300	REFRESHMENTS
14615719	CALIFORNIA DEPARTMENT OF	11/14/2019	\$ 359.10	1300	CONTRACTED SERVICES
14615720	WAL- MART COMMUNITY/GEGRB	11/14/2019	\$ 313.61	1300	CAFETERIA SUPPLIES
14615721	ACE COOLING & FREEZING	11/14/2019	\$ 2,604.43	1300	CAFETERIA KITCHEN
14615722	LITTLE CAESARS PIZZA	11/14/2019	\$ 3,575.91	1300	CAFETERIA FOOD
14615723	AMERICAN PRODUCE DISTRIBUTORS	11/14/2019	\$ 21,061.40	1300	CAFETERIA FOOD
14618815	LITTLE CAESARS PIZZA	11/20/2019	\$ 2,444.55	1300	CAFETERIA FOOD
14618818	GALASSO'S BAKERY	11/20/2019	\$ 4,869.90	1300	CAFETERIA FOOD
14620272	EL TAPATIO CATERING	11/22/2019	\$ 2,457.87	1300	CAFETERIA CATERINGS
Total Fund 13			\$ 125,682.94		

Expenditure Report 11/05/19-12/05/19

Warrant ID	Payee	Payment Date	Amount	Fund	PO Ref
14618805	U.S. BANK	11/20/2019	\$ 5,000.00	4901	PROFESSIONAL SERVICES
Total Fund 49			\$ 5,000.00		
Grand Total			\$ 862,778.85		

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education,
Oscar Madera, Director

INITIAL: *cy*
 Informational
 Action

AGENDA ITEM: AGREEMENT WITH PROFESSIONAL TUTORS OF AMERICA, INC.

BACKGROUND INFORMATION:

As the results of Settlement Agreement and General Release under OAH Case numbers 2019090092 and 2019050255, Professional Tutors of America, Inc. will be providing one-on-one academic home tutoring for two students with special needs for a maximum of 120 hours at a hourly rate of \$80.00 not to exceed \$9,600.00.

RECOMMENDATION:

Approve the agreement with Professional Tutors of America, Inc. to provide one-on-one academic home tutoring for two students with special needs in an amount not to exceed \$9,600.00 from the Special Education fund.

LCAP GOAL AND ACTION/SERVICE:

Renewal New Amendment Ratify Other

Business Services Reviewed: *mu*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

\$9,600.00

(Amount)

Special Education

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

PROFESSIONAL SERVICES AGREEMENT

This agreement is made and entered into this 20th day of December 2019, by and between the San Ysidro School District, hereinafter called the "District", and

Professional Tutors of America, Inc.
Company/Consultant

714-784-3454
Telephone Number

3350 E. Birch St, Suite 201, Brea, CA 92821
Address

rgordon@professional tutors.com
Website

hereinafter referred to as "Consultant."

1 SCOPE AND TERMS

1.1 SCOPE OF SERVICES

Scope of Services. In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the Consultant Services Documentation ("attached documents") attached hereto as **Exhibit "A"** and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the District entering into this Agreement, Consultant represents and warrants that Consultant is a provider of first class work and services and Consultant is experienced in performing the work and services contemplated herein and, in light of such status and experience, Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials shall be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Compliance with Law. All services rendered hereunder shall be provided in accordance with any and all applicable ordinances, resolutions, statutes, rules, and regulations of the District, City and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered. Each and every provision required by law to be included in this Agreement shall be deemed to be included by this reference, and this Agreement shall be read and enforced as though they were included.

Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless District against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against District hereunder.

1.2 TERM

From: December 20, 2019

To: June 30, 2021

The Term of this Agreement as noted, unless earlier terminated as provided herein. The Parties may mutually agree to extend this term only by written amendment. Should the Parties agree to extend the term of this Agreement; the Agreement can only be extended on a year-to-year basis with written approval unless otherwise indicated in writing and in accordance with the law.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

2 FEES AND PAYMENTS

2.1 FEES

District shall pay Consultant for the specified services as reflected on *Exhibit A* during this contract term.

2.2 PAYMENTS

Consultant shall submit to District an itemized invoice which indicates work completed by Consultant. District shall review each invoice and/or receipts submitted to determine that the work performed and expenses incurred are in compliance with the provisions of this Agreement. District shall pay Consultant within a reasonable time and in accordance with this Agreement.

3. ADDITIONAL SERVICES.

District shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work as described herein. No such extra work may be undertaken unless a written order is first given by the District Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval or ratification of the Contract Officer. However, any increase in compensation beyond the Contract Sum, for services beyond what is contemplated in the Contract, must be approved or ratified by the Board of Education in a signed writing prior to any payment. Additionally, any other increases, extensions or renewals must be approved in writing by the Board of Education. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefore unless specifically authorized pursuant to the terms of this section.

4 RESPONSIBILITIES OF CONSULTANT

4.1 ORGANIZATION

Consultant shall assign a Company Contact as Project Manager. The Project manager shall not be removed from the Project or reassigned without the prior written consent of District, which consent shall not be unreasonably withheld. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

4.2 COORDINATION OF SERVICES

Consultant agrees to work closely with the District staff in the performance of Services and shall be available to the District staff, consultants and other staff at all reasonable times.

4.3 STANDARD OF CARE:

Consultant shall perform all Services under this Agreement in a skillful, competent and timely manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all of Consultant's employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant further represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any of Consultant's employees who are determined by District to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any of Consultant's employees who fail or refuse to perform the Services in a manner acceptable to District, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

4.4 INDEPENDENT CONSULTANT & ADDITIONAL PERSONNEL

Consultant is retained as an independent consultant and is not an agent or employee of the District. No employee or agent of Consultant shall by this Agreement become an agent or employee of the District. The work to be performed shall be in accordance with the work described herein, subject to such direction and amendments from District as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind District to any obligation whatsoever, except as specifically provided in writing by District. Any additional personnel performing the Services under this Agreement on behalf of Consultant shall

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law.

4.5 LAWS AND REGULATIONS

Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Service. Consultant shall be liable for all violations of such laws and regulations in connection with Services.

4.6 MAINTENANCE OF ACCOUNTING RECORDS

Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the District during normal business hours with reasonable notice to examine, audit and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of five (5) years from the date of final payment under this Agreement.

4.7 INSURANCE – Consultant shall comply with the following insurance provisions, unless one or more paragraphs are specifically waived by the District in writing.

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subconsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE - Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL)**: Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **\$2,000,000** the required occurrence limit. **District waives _____**
2. **Automobile Liability**: ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **\$1,000,000** per accident for bodily injury and property damage. **District waives _____**
3. **Workers' Compensation (Employer's Insurance)**: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. Coverage shall include waiver of subrogation endorsement in favor of San Ysidro School District. **District waives _____**
4. **Professional Liability (Errors and Omissions)**: Insurance appropriate to the Consultant's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. *(If applicable – see footnote next page)* **District waives _____**
5. **Improper Sexual Conduct**: \$1,000,000 per occurrence with an aggregate of not less than \$2,000,000 for damages because of bodily injury by reason of negligent hiring and supervision. May be included under General Liability. **District waives _____**
6. **Cyber Security Liability**: Coverage for both electronic and non-electronic data breach of \$2,000,000 per occurrence with an aggregate limit of not less than \$5,000,000 and shall cover all of Consultant's employees, officials and agents. Coverage shall apply to any dishonest, fraudulent, malicious or criminal use of Consultants or computer system or to obtain financial benefit for any party; to steal, take or provide unauthorized access of electronic data, including publicizing confidential electronic data or causing confidential electronic data to be accessible to unauthorized persons; transfer and for Third-Party Liability encompassing judgements or settlement and defense costs arising out of litigation due to a data breach and data breach response costs for customer notification and credit monitoring service fees. **District waives _____**

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

If the Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status - Endorsement

The San Ysidro School District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an **Additional Insured Endorsement** to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used). If Blanket Endorsement, it must include policy number and insured's name.

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice. If not stated on the Certificates of Insurance, it is understood that a 30-day cancellation notice will be provided and failure to mail such notice shall impose obligation and liability upon the company/insured, its agents or representative.

Waiver of Subrogation

Consultant hereby grants to the San Ysidro School District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of the contract of work.**
3. If coverage is canceled or non-renewed, and not replaced **with another claims-made policy form with a Retroactive Date prior to** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of **five (5)** years after completion of work.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. **All certificates and endorsements are to be received and approved by the District before work/services commences.** However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

5 GENERAL PROVISIONS

5.1 DELAYS IN PERFORMANCE

(1) Neither District nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other disturbances; sabotage or judicial restraint.

(2) Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

5.2 SUSPENSION OF SERVICES

The District may, in its sole discretion, suspend all or any part of Services provided hereunder with cost to date of suspension. Consultant may not suspend its services without District's express written consent.

5.3 TERMINATION OF AGREEMENT

(1) Termination. District may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to District to date of the notice of termination and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

(2) Consultant's Termination for Cause. This Agreement may be terminated by the Consultant upon thirty (30) days written notice to the District only when the District has substantially failed to perform its obligations under this Agreement. The written notice shall include a detailed description of the District's failure to perform, status of the work completed as of the date of termination together with a description and a cost estimate of the effort necessary to complete work in progress. In such event, the Consultant shall be compensated for services completed to the date of termination, together with compensation for such approved Additional Services performed after termination which are authorized by the District to conclude the work performed to the date of termination. Upon the District's request and authorization, Consultant shall perform any and all Additional Services necessary to wind up the work performed to the date of termination.

(3) Effect of Termination. If this Agreement is terminated as provided in this Section, District may require Consultant to provide all finished or unfinished documents, data, programming source code, reports or any other items prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such documents and other information within fifteen (15) days of the request.

(4) Terminated Services. In the event this Agreement is terminated in whole or in part as provided herein, District may procure, upon such terms and in such manner as it may determine appropriate, services similar or identical to those terminated.

5.4 OWNERSHIP OF MATERIALS AND CONFIDENTIALITY

(1) All materials and data, including but not limited to, data on electronic or magnetic media and any materials, documents and data required to be made or kept pursuant to federal, state or local laws, rules or regulations, prepared or collected by Consultant pursuant to this Agreement, shall be the sole property of the District, except that Consultant shall have the right to retain copies of all such documents and data for its records. District shall not be limited in any way in its use of such materials and data at any time, provided that any such use not within the purposes intended by this Agreement shall be at District's sole risk and provided that Consultant shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement.

(2) All such materials and data shall be provided to the District, or such other agency or District as directed by District or required by law, rule or regulation, as they become due during the term of this Agreement and shall be retained by District.

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(3) The District is a California public entity subject to all state and federal laws governing education, including but not limited to California Assembly Bill 1584 (AB 1584), the California Education Code, the Children's Online Privacy and Protection Act (COPPA), the Family Educational Rights and Privacy Act (FERPA), and HIPAA Privacy regulations and any other privacy laws, policies and regulations that may apply such as American Recovery and Reinvestment Act of 2009 ("ARRA") and the Health Information Technology and Economic Clinical Health Act of 2009 ("HITECH").

AB1584 requires, in part, that any agreement entered into, renewed or amended after January 1, 2015 between a local education agency (LEA) and a third-party service provider must include certain terms; and the LEA and the Service Provider desire to have this Agreement and the services provided comply with AB1584. This includes to all forms of protected health information, including paper, oral, and electronic, etc. Furthermore, only the minimum health information necessary to conduct business is to be used or shared.

- Pupil records obtained by the Consultant/Service Provider from LEA/District continue to be the property of and under the control of the District. The Consultant will obtain information regarding disciplinary and/or behavioral events for the purpose of allowing District personnel to improve and provide services to pupils. The Consultant will not be obtaining pupil-generated content.
- In the event of an unauthorized disclosure of a pupil's records, the Consultant shall report to an affected parent, legal guardian, or eligible pupil pursuant to the following procedure; written communication to the District's Superintendent, Deputy Superintendent and/or designee.
- The Consultant shall not use any information in a pupil record for any purpose other than those required or specifically permitted by this Professional Services Agreement.
- Consultant certifies that a pupil's records shall not be retained or available to the Consultant upon completion of the terms of this Professional Services Agreement.
- District agrees to work with Consultant to ensure compliance with FERPA.
- Consultant shall not use personally identifiable information in pupil records to engage in targeted advertising.
- Pupil records include any information directly related to a pupil that is maintained by the District or acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other District employees. Pupil records does not include/not mean de-identified information (information that cannot be used to identify an individual pupil) used by the third party to (1) improve educational products for adaptive learning purposes and for customized pupil learning; De-identified information, including aggregated de-identified information. (2) Demonstrate the effectiveness of the operator's products in the marketing of those products; or for the development and improvement of educational sites, services, or applications.

5.5 SAFETY

Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

5.6 PROJECT STAFFING

Consultant shall provide adequate staff and resources to facilitate all Consultant activity. Should Consultant fail to adequately staff a project, the District may, at its sole discretion, retain third party consulting services and back charge Consultant for all third-party fees.

5.7 INDEMNIFICATION

Indemnification: To the fullest extent permitted by law, Consultant shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the District, its officials, officers, employees, agents, or volunteers.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

5.8 AMENDMENTS

This Agreement may not be amended except in writing signed by both Parties.

5.9 SEVERABILITY

If any section, subsection, sentence, clause or phrases of this Agreement, or the application thereof to any of the Parties, is for any reason held invalid or unenforceable, the validity of the remainder of the Agreement shall not be affected thereby and may be enforced by the Parties to this Agreement.

5.10 GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

5.11 CONFLICT OF INTEREST

For the term of this Agreement, no member, officer or employee of District, during the term of his or her service with District, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

5.12 SCHOOL SAFETY, FINGERPRINTING AND BACKGROUND INVESTIGATION REQUIREMENTS: Consultant agrees with the provisions of Education Code Section 45125.1 regarding the submission of fingerprints to the California Department of Justice. Consultant shall not be permitted to have any contact with District pupils until such time as Consultant has verified in writing to the District that they have complied with Educational Code Section 45125.1. **(Please complete attached School Safety Certification Form.)**

Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils. Please submit TB Clearance to the Business Services Office. This section may be waived if the District determines that the Consultant and/or its employees will have limited contact with District pupils or if Consultant and/or its employees will be supervised at all times by District staff.

District is waiving this requirement _____ .

5.13 DRUG/ALCOHOL/TOBACCO-FREE FACILITIES:

ALL DISTRICT FACILITIES ARE DRUG AND TOBACCO-FREE FACILITIES. ANY DRUG, ALCOHOL AND/OR TOBACCO USE (SMOKED OR SMOKELESS) IS PROHIBITED AT ALL TIMES ON ALL AREAS OF THE DISTRICT FACILITIES.

5.14 NOTICES / CONTACT INFORMATION

All notices or demands to be given under this Agreement by either party to the other shall be in writing and given either by: (a) personal service, (b) email or (c) by U.S. Mail, mailed certified mail with return receipt requested, addressed to the following entities.

COMPANY:	Professional Tutors of America, Inc.
Name:	Robert Gordon
Title:	CEO
Address:	3350 E. Birch St., Ste. 201
City/State/Zip Code:	Brea, CA 92821
Telephone:	714-784-3454
Email:	rgordon@professional tutors.com

17D.3

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

DISTRICT:	San Ysidro School District	
Name:	Marilyn Adrianzen	Oscar Madera
Title:	Chief Business Official	Special Education Director
Address:	4350 Otay Mesa Road	4350 Otay Mesa Road
City/State/Zip code:	San Ysidro, CA 92173	San Ysidro, CA 92173
Telephone:	(619) 428-4476	(619) 428-4476
Email:	marilyn.adrianzen@sysdschools.org	oscar.madera@sysdschools.org

6 ENTIRE AGREEMENT

This Agreement represents the entire understanding of District and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

7 WARRANTY OF AUTHORITY:

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.//

CONSULTANT

DISTRICT

Professional Tutors of America, Inc.
Firm Name

San Ysidro School District
Firm Name

Signature of Authorized Agent

Signature

Robert Gordon, CEO
Print Name, Title

Marilyn Adrianzen, Chief Business Official
Print Name, Title

Date:

Date

Board Approved:

Revised 09-13-18

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

SCHOOL SAFETY CERTIFICATION FORM

CERTIFICATION PURSUANT TO EDUCATION CODE SECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **Contractor/Consultant's employees and/or Subconsultants/Subcontractors may have contact with pupils.**

_____(Initial) As required under Education Code Section 45125.1, subdivision (a), Consultant shall require their employees, including the employees of any sub-consultant and/or subcontractor, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such employees have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

_____(Initial) Consultant shall not permit any employee to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(Initial) Consultant certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____(Initial) Consultant shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by Consultant's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting Consultant from using employees who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

_____(Initial) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.

_____(Initial) Consultant's individuals/employees and/or Subconsultants/Subcontractors who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the Consultant's employees/individuals and/or Subconsultants/subcontractors performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the Consultant's and Subconsultant's/Subcontractor's employees-individuals performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company Name: _____

Name/title of authorized representative (Print) _____

Signature _____ Date _____

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

EXHIBIT A

SCOPE OF SERVICES

Professional Tutors of America, Inc. will be providing one-on-one academic home tutoring to two students with special needs, as follows:

1. Student A: maximum of 40 hours and **must be completed on or before June 30, 2021** regardless of whether all hours have been used; and
2. Student B: maximum of 80 hours and **must be completed on or before December 31, 2020** regardless of whether all hours have been used.

Cost: \$80.00 per hour x up to 120 hours = not to exceed **\$9,600.00**

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Maintenance, Operations, Transportation & Facilities
Paulo Azevedo, Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: AGREEMENT WITH AARDVARK ANT AND PEST CONTROL –
ADDENDUM NO. 2

BACKGROUND INFORMATION:

On April 11, 2019, the Governing Board approved the agreement with AARDVARK Ant and Pest Control to eradicate a pest situation at the San Ysidro Middle School. Addendum No. 1 requested that AARDVARK maintain insurance and indemnify the District during the term of the agreement.

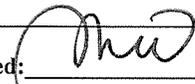
Addendum No. 2 – include additional services to the AARDVARK agreement as follows:
Willow School and Vista Del Mar Middle Schools have a gopher pest problem on slopes, lawns and irrigation boxes. The cost implication for service is \$595 and monthly maintenance \$295 for each school site.

RECOMMENDATION:

Approve/Ratify Addendum No. 2 to the agreement with Aardvark Ant & Pest Control to include pest control service for Willow School and Vista Del Mar Middle School at an estimated cost of \$4,800.00 from the General fund.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: 

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

\$4,800.00

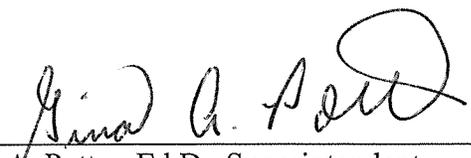
(Amount)

General Fund

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



ANT & PEST CONTROL INC.

November 4, 2019

AMENDMENT
NO. 2

San Ysidro School District
4350 Otay Mesa Road
San Diego, CA 92173

Att: Daniel Camberos

Re: Aardvark Ant & Pest Control, Inc.
Gopher Bids for Vista Del Mar Elementary and Willow Elementary

These are the bids for gopher control and monthly gopher maintenance for Vista Del Mar and Willow Elementary.

On Tuesday, October 29, 2019, I walked the grounds with Daniel Camberos to asses the damage done by gophers on slopes, lawns and irrigation boxes on the campuses of Vista Del Mar Middle School and Willow Elementary School.

Aardvark Ant & Pest Control, Inc., has a reputation of solving problematic gopher infestations and we know that we can solve yours. The cost and method is proposed on the accompanying bid sheets and service agreements. If you have any additional questions regarding these proposals, please contact Skip Dodge at (619) 985-7547. If you would like to schedule the services, please call Aardvark's office (619) 579-5020.

Aardvark Ant & Pest Control, Inc., is a Corporation, owner operated, bonded, insured, licensed and a member of the San Diego East County Chamber of Commerce, an accredited member of the Better Business Bureau, and PCOC.

Thank you for the opportunity to be of service to you, we truly appreciate it.

Sincerely,

William "Skip" Dodge
President
WD/dd/encl.

17D.4

Page 2 of 4





SERVICE AGREEMENT

Service start date: Nov 4, 2019

ANT & PEST CONTROL INC.

2514 Jamacha Road, #502-40 El Cajon, CA 92019-4366
Phone 1-800-650-6008 • Fax 619-441-2546
www.aardvarkant.com

Billing Name San Ysidro School Dist
Address 4350 OTAY MESA ROAD
City SAN DIEGO State CA
Zip Code 92173 Phone 619-661-6753

Service Name Willow Elementary
Address 226 Willow RD
City San Ysidro State _____
Zip Code 92173 Phone 619-454-1134
Fax _____

PESTS COVERED AND FREQUENCY:

- Ants
- Roaches
- Fleas
- Mice
- Spiders
- Bees
- Rats
- Gophers
- Other _____

STRUCTURE TYPE:

- Res. Units _____
- Comm. Units _____
- Apt. Units _____
- Condo. Units _____

Exterior Service Monthly / EOM / Qtr 2 times a month Interior Service Monthly / EOM / Qtr Interior Service upon request

CHEMICALS USED / ACTIVE INGREDIENTS

- Talstar One/Wisdom TC - Bifenthrin
- Termidor SC - Fipronil
- Drione - Pyrethrins
- Contrac Blox - Bromadiolone
- Archer - Pyridine
- Talstar/Wisdom Granular - Bifenthrin
- Maxforce Ant Killer Bait Gel - Fipronil
- Wasp Freeze - Phenothrin & D-Trans Allethrin
- Martins Gopher Getter - Strychnine Alkaloid
- Other _____
- P.I. - Pyrethrins
- Maxforce Roach Killer Gel - Fipronil
- Suspend - Deltamethrine
- Fumitoxin - Aluminum Phosphide
- Phantom - Chlorfenapyr
- Sluggo - Iron Phosphate

One Time Service Charge	\$ <u>595.00</u>	Comments <u>1-time clean out fee for gophers. Cost \$ 595.00. This also covers cost of 1st month of service. Monthly Maintenance to be done 2 times a month @ \$ 295.00 every month.</u>
Monthly Charge	\$ <u>295.00</u>	
Every Other Month	\$ _____	
Quarterly Service	\$ _____	
Discount	\$ _____	
Fee	\$ _____	
Map Code	<u>1350-64</u>	

"State law requires that you be given the following information: CAUTION - PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the California Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that, based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends on the degree of exposure, so exposure should be minimized."

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu or any other symptoms of overexposure which are not typical of influenza, contact your physician or poison control center (1-800-876-4766) and Aardvark Ant & Pest Control Inc., immediately. Contact with rodenticides may reduce the clotting ability of blood and cause bleeding. See telephone numbers below for more information." For further information, contact any of the following:

- Poison Control Center 1-800-876-4766
- Aardvark Ant & Pest Control Inc. 1-800-650-6008
- For Health Questions-San Diego County Health Department 1-619-692-8499
- For application information - San Diego County Agricultural Commissioner 1-858-694-8980
- For regulatory information - Structural Pest Control Board, 2005 Evergreen St., Suite #1500, Sacramento, CA 95815 1-800-737-8188

If a contract for periodic pest control has been executed, the frequency with treatment is to be done. In the case of Branch I applications, the notice prescribed by subdivision shall be provided at least 48 hours prior to application unless fumigation follows inspection by less than 48 hours.

This service agreement shall be continued for a period of **TWELVE (12) MONTHS AND THEREAFTER UNTIL CANCELLED WITH A THIRTY (30) DAY WRITTEN NOTICE.** If the property herein passes from my/our control during the period of this agreement upon thirty (30) day written notice thereof, Aardvark Ant & Pest Control Inc. will immediately cancel this agreement except that if such transfer of control occurs within three (3) months from the date of the agreement. I/we agree to pay Aardvark Ant & Pest Control Inc. in full for the first three (3) months service at the rate established herein.

NOTE: While the purpose of this agreement is to prevent damage from pests, Aardvark Ant & Pest Control Inc. shall not be liable for any loss or damage caused by sources of pests occurring after the date of service. All complaints must be submitted in writing to the above branch within 24 hours following any loss or damage.

A service fee of \$25.00 will be charged on all returned checks.

THIS AGREEMENT DOES NOT INCLUDE CARPENTER / PHAROAH ANTS OR WOOD DESTROYING ORGANISMS.

I have read, understand and hereby agree to all terms and conditions of this agreement.

QAL # 135285
OPR # 12925

17D.4

Aardvark Ant & Pest Control Inc.

Page 3 of 4
Page 12

Accepted _____

William H. "Sbis" ...



SERVICE AGREEMENT

Service start date: Nov 4, 2019

ANT & PEST CONTROL INC.

2514 Jamacha Road, #502-40 El Cajon, CA 92019-4366
Phone 1-800-650-6008 • Fax 619-441-2546
www.aardvarkant.com

Billing Name San Ysidro School Dist
Address 4350 OTAY MESA ROAD
City SAN DIEGO State CA
Zip Code 92173 Phone 619-661-6753

Service Name Vista Del Mar
Address 4885 Del Sol Blvd
City San Diego State CA
Zip Code 92154 Phone _____
Fax _____

PESTS COVERED AND FREQUENCY:

- Ants
- Roaches
- Fleas
- Mice
- Spiders
- Bees
- Rats
- Gophers
- Other _____

STRUCTURE TYPE:

- Res. Units _____
- Comm. Units _____
- Apt. Units _____
- Condo. Units _____

- Exterior Service Monthly / EOM / Qtr
- Interior Service Monthly / EOM / Qtr.
- Interior Service upon request

CHEMICALS USED / ACTIVE INGREDIENTS

- Talstar One/Wisdom TC - Bifenthrin
- Termidor SC - Fipronil
- Drione - Pyrethrins
- Contrac Blox - Bromadiolone
- Archer - Pyridine
- Talstar/Wisdom Granular - Bifenthrin
- Maxforce Ant Killer Bait Gel - Fipronil
- Wasp Freeze - Phenothrin & D-Trans Allethrin
- Martins Gopher Getter - Strychnine Alkaloid
- Other _____
- P.I. - Pyrethrins
- Maxforce Roach Killer Gel - Fipronil
- Suspend - Deltamethrine
- Fumitoxin - Aluminum Phosphide
- Phantom - Chlorfenapyr
- Sluggo - Iron Phosphate

One Time Service Charge	\$ <u>595⁰⁰</u>	Comments <u>1-time clean out fee for gophers cost \$595⁰⁰. This also covers cost of 1st month of service. Monthly maintenance to be done 2 times a month @ \$295⁰⁰ a month</u>
Monthly Charge	\$ <u>295⁰⁰</u>	
Every Other Month	\$ _____	
Quarterly Service	\$ _____	
Discount	\$ _____	
Map Code	<u>1350H1</u>	

"State law requires that you be given the following information: CAUTION - PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the California Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that, based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends on the degree of exposure, so exposure should be minimized."

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu or any other symptoms of overexposure which are not typical of influenza, contact your physician or poison control center (1-800-876-4766) and Aardvark Ant & Pest Control Inc., immediately. Contact with rodenticides may reduce the clotting ability of blood and cause bleeding. See telephone numbers below for more information." For further information, contact any of the following:

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- Aardvark Ant & Pest Control Inc. 1-800-650-6008
- For Health Questions-San Diego County Health Department 1-619-692-8499
- For application information - San Diego County Agricultural Commissioner 1-858-694-8980
- For regulatory information - Structural Pest Control Board, 2005 Evergreen St., Suite #1500, Sacramento, CA 95815 1-800-737-8188

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A service fee of \$25.00 will be charged on all returned checks.

THIS AGREEMENT DOES NOT INCLUDE CARPENTER / PHAROH ANTS OR WOOD DESTROYING ORGANISMS.

I have read, understand and hereby agree to all terms and conditions of this agreement.

GAL-135295
 OPA-12925
 17D.4
 Page 4 of 4
 Page 3
 William H. "Chip" Dodson

Accepted _____

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Willow School
Manuel Bojorquez, Principal

INITIAL *MB*
 Informational
 Action

AGENDA ITEM: MEMORANDUM OF UNDERSTANDING WITH NAVAIR NORTH ISLAND'S SCIENCE ENRICHMENT PROGRAM (NSEP)

BACKGROUND INFORMATION:

The NAVAIR Science Enrichment Program has partnered with various local schools to make "Science Come Alive" through hands-on, minds-on science experiments, workshops and mentoring, in areas such as Static Electricity, Solar Power, Magnetism, Aerodynamics and more. NSEP is a program sponsored by the Research & Engineering Group, Fleet Readiness Center Southwest located at North Island in San Diego, California.

The NAVAIR Science Enrichment Program has been offered at Willow School for the past years and has truly enriched the educational experiences of students. The District would like to continue receiving these free services for the 2019-20 school year.

RECOMMENDATION:

Approve the Memorandum of Understanding with NAVAIR to provide North Island's Science Enrichment Program (NSEP) at Willow School at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:

Goal No. 1 Student Achievement, Action 1.9

Renewal New Amendment Ratify Other

Business Services Reviewed: *MB*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A

(Amount)

N/A

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board



Memorandum of Understanding (MOU)
between
Willow Elementary **School and the**
NAVAIR North Island's Science Enrichment Program (NSEP)

BACKGROUND:

Since 1991, the NAVAIR Science Enrichment Program has partnered with various local schools to make "Science Come Alive" through hands-on, minds-on science experiments, workshops and mentoring, in areas such as Static Electricity, Solar Power, Magnetism, Aerodynamics and more. NSEP is a sponsored by the Research & Engineering Group, Fleet Readiness Center Southwest located at North Island in San Diego, California

GOALS & OBJECTIVES:

The goal of this partnership is to introduce and encourage scientific studies and careers in young students. The program enlists the talents of volunteer engineers and scientists from NAVAIR North Island in order to develop the students' critical thinking and provide career connections to STEM. Through this partnership, NAVAIR strives to leave a fun and positive footprint within our community and inspire students to become our future engineers and scientists.

DESCRIPTION:

Through this Memorandum of Understanding, the NAVAIR Science Enrichment Program will provide 1 Willow "NAVAIR Science Workshops" at Willow Elementary School as part of a partnership between Willow Elementary School and NAVAIR North Island.

DURATION OF AGREEMENT:

April 1, 2020 through June 30, 2020

SCHOOL RESPONSIBILITIES:

The school is responsible for the following:

- Provide a classroom, a projector and a screen
- Provide a faculty member, a Teacher-Liaison or parent that will be responsible for student supervision at all times during the workshop
- Provide and notify each participant's parent or guardian regarding NAVAIR's Photo Release Permission Form and Information
 - Provide a list of names of the students that cannot be photographed

- Set expectations that all participating students shall respect and cooperate with the NAVAIR mentors
- Identify in advance how many 5th grade students will participate

NAVAIR North Island RESPONSIBILITIES:

NAVAIR North Island is responsible for the following:

- Provide NSEP mentors for science workshop
- Provide a science workshop of approximately 1 hour(s)
- Provide all material and supplies required for the workshop

DETAILS:

The following science workshop(s) will be provided:

Workshop Type(s): TBD (Static Electricity, etc)
 Date(s): 4/15/2020, Wednesday
 Time(s): 1:30-2:30PM
 Number of Students: 30

DISCLOSURE: This agreement does not create a special or relationship between the parties or confer other rights not already provided by federal statute or regulation.

We, the undersigned, acknowledge and agree to the terms and conditions of the above-cited agreement on, 12th day of November, year 2019.

GARCIA.CLAUDIA. Digitally signed by
 GARCIA.CLAUDIA.ALVAREZ.12
 ALVAREZ.1231763 31763232
 232 Date: 2019.11.08 10:38:37 -08'00'

Claudia A. Garcia- Director
 NAVAIR Science Enrichment Program

Principal Name
Willow Elementary School

Marilyn Adrianzen
 Chief Business Official

Board Approved: _____

Teacher Representative Katie Bisaga
Willow Elementary School

JOHNSON.PAUL. Digitally signed by
 JOHNSON.PAUL.1231324115 1231324115
 1231324115 Date: 2019.11.08 10:33:29 -08'00'

Paul Johnson- NSEP Educational Partnership Lead
 NAVAIR North Island

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *Cy*
 Informational
 Action

AGENDA ITEM: EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM
GRANT AWARD FOR 2019-20 – AMENDMENT NO. 1

BACKGROUND INFORMATION:

Since 1987, the California Department of Education (CDE) has administered Federal McKinney-Vento Homeless Assistance Act program funds. These funds are used to provide grants to facilitate the identification, enrollment, attendance, and success in school for homeless children and youth.

The District was awarded the 3-year Education for Homeless Children and Youth (EHCY) Program Grant. Based on receipt of Federal allocations for the EHCY Grant Program, the CDE will issue a new grant award each fiscal year for each of the three years. These funds will be used to provide supplemental services for our homeless children and youth.

Amendment No. 1 – Increases the grant award by \$3,125.00 (from \$121,875.00 to \$125,000.00).

RECOMMENDATION:

Accept the Grant Award Amendment No. 1 from the Education for Homeless Children and Youth Program to provide supplemental services for District’s homeless children and youth. The award amount is increased by \$3,125.00 for a total of \$125,000.00 for fiscal year 2019-20.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Climate, Safety and Student Engagement – Action: 2.10: Continue to provide a Foster Youth/Homeless Manager to support students and parents and to monitor student progress.

Renewal New Amendment Ratify Other

Business Services Reviewed: *mmw*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

Revenue \$125,000.00 (Amount)
--

EHCY Grant Award (Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent’s Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Grant Award Notification

GRANTEE NAME AND ADDRESS San Ysidro Elementary 4350 Otay Mesa Road San Ysidro, CA 92173 ORIGINAL			CDE GRANT NUMBER			
			FY	PCA	Vendor Number	Suffix
			19	14332	68379	00
Attention Gina Potter, Superintendent			STANDARDIZED ACCOUNT CODE STRUCTURE			COUNTY
Program Office San Ysidro Elementary			Resource Code	Revenue Object Code		37
Telephone 619-428-4476			5630	8290		INDEX
Name of Grant Program Education for Homeless Children and Youth						0510
GRANT DETAILS	Original/Prior Amendments	Amendment Amount	Total	Amend. No.	Award Starting Date	Award Ending Date
	\$121,875	\$3,125	\$125,000	1	7/1/19	6/30/20
CFDA Number	Federal Grant Number	Federal Grant Name			Federal Agency	
84.196A	S196A0005	Education for Homeless Children and Youth			U.S. Department of Education	
This is to inform you that the award for the Education for Homeless Children and Youth (EHCY) Program has been amended to reflect an increase.						
This award is made contingent upon the availability of funds. If the Legislature takes action to reduce or defer the funding upon which this award is based, then this award will be amended accordingly.						
Please return the <i>original</i> , signed Grant Award Notification (AO-400) and 2019–20 Budget Change Request within 10 days to:						
Shoshannah Fuentes, Associate Governmental Program Analyst Integrated Student Support Programs Office California Department of Education 1430 N Street, Suite 6208 Sacramento, CA 95814-5901						
California Department of Education Contact Shoshannah Fuentes				Job Title Associate Governmental Program Analyst		
E-mail Address sfuentes@cde.ca.gov					Telephone 916-319-0384	
Signature of the State Superintendent of Public Instruction or Designee 					Date	
CERTIFICATION OF ACCEPTANCE OF GRANT REQUIREMENTS						
<i>On behalf of the grantee named above, I accept this grant award. I have read the applicable certifications, assurances, terms, and conditions identified on the grant application (for grants with an application process) or in this document or both; and I agree to comply with all requirements as a condition of funding.</i>						
Printed Name of Authorized Agent				Title		
E-mail Address					Telephone 17D.6	
Signature 					Date Page 2 of 3	

Grant Award Notification (Continued)

1. The Education for Homeless Children and Youth (EHCY) Program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 *United States Code* Section 11431 et seq.). The intent of this funding is to implement some of the new provision within the Every Student Succeeds Act (ESSA) as it relates to the EHCY Program, as well as for countywide activities, such as professional development and technical assistance to all local homeless liaisons that are required to identify and meet the needs of homeless children and youth. The grantee must expend these funds by June 30, 2020. Carryover of EHCY funds is not allowed.

2. The grantee must submit four quarterly expenditure reports. Reporting periods and due dates are:

Quarterly Reporting Period:	Due:
Q1 – July 1, 2019, through September 30, 2019	October 31, 2019
Q2 – October 1, 2019, through December 31, 2019	January 31, 2020
Q3 – January 1, 2020, through March 31, 2020	April 30, 2020
Q4 – April 1, 2020, through June 30, 2020 (close-out)	July 31, 2020

Failure to submit the required reports by the due dates may result in a billing for the entire amount of funds advanced. If the grantee is charging indirect, it must be reflected on each quarterly report. The grantee cannot wait until the close of the grant to charge indirect for the entire grant period. The calculation of the subtotal times the indirect must be to-the-penny. No rounding is allowed. All fiscal forms will be emailed to the grantees.

3. Budget changes that are more than 10 percent of the grant amount require advance approval from the California Department of Education (CDE). If the grantee wishes to change an approved budget, a 2019-20 Budget Change Request (BCR) must be submitted. The deadline for all BCRs is May 31, 2020. Please mail all fiscal forms to Shoshannah Fuentes, at the address shown on the front of this Grant Award Notification (AO-400).
4. The CDE will disburse funds to the grantee in four payments. The initial payment of 30 percent will be disbursed after receipt of all signed AO-400s and Budget Requests. The second payment of 30 percent will be disbursed after receipt of the second quarterly expenditure report, due January 31, 2020, if the grantee shows they have spent 65 percent or more of the first payment. The third payment of 30 percent will be disbursed after receipt of the third quarterly expenditure report, if the grantee shows they have spent 65 percent of funds advanced thus far. The final payment of up to 10 percent will be disbursed after the grantee has submitted the close-out expenditure report, due July 31, 2020.
5. The grantee must comply with the requirements that pertain to sub-grantees in Title 34 of the *Code of Federal Regulations (CFR)* Part 80. Cash disbursements of federal funds must be limited to the actual immediate cash requirements of the grantee. In addition, 34 *CFR* Section 80.21 requires the grantee to promptly, but at least quarterly, remit to the federal agency any interest greater than \$100 per year earned on payments. When reporting and remitting federal interest to the CDE, a grantee should specify their Data Universal Numbering system number, the time period associated with the interest earned, and the federal program resource code. Please send interest on federal cash balances to the CDE at the following address:

California Department of Education
Attention: Cashier's Office
P.O. Box 515006
Sacramento, CA 95851

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education,
Oscar Madera, Director

INITIAL: *Cy*
 Informational
 Action

AGENDA ITEM: AGREEMENT WITH MAXIM HEALTHCARE SERVICES

BACKGROUND INFORMATION:

Resource Specialist provides assessment, instructional services, consultation, coordination, planning, curricular resources, evaluation and remediation for individuals with exceptional needs. These may include all classifications of special education students whose Individualized Education Program (IEP) requires placement in the resource specialist program.

Due to lack of Resource Specialists at San Ysidro Middle School, the District is hiring a Program Specialist through Maxim Healthcare Services, a Special Education Local Plan Area (SELPA) approved nonpublic agency, until the position is filled.

Cost Implication: \$65.00 per hour x 7 hours/day = \$455.00/day
Duration: as needed

RECOMMENDATION:

Approve/Ratify the agreement with Maxim Healthcare Services to provide Resource Specialist Teacher to San Ysidro Middle School until the position is filled at a rate of \$455.00 per day.

LCAP GOAL AND ACTION/SERVICE:

Renewal New Amendment Ratify Other

Business Services Reviewed: *mm*

Financial Implications?
 Yes No

Are funds for this item available in the 2019-2020 Budget?
 Yes No

Requisition #

\$455.00 per day

(Amount)

School-Based Medi-Cal
Administrative Activities (SMAA)

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

PROFESSIONAL SERVICES AGREEMENT

This agreement is made and entered into this 20th day of December 2019, by and between the San Ysidro School District, hereinafter called the "District", and

Maxim Healthcare Services
Company/Consultant

(619) 209-3696
Telephone Number

5030 Camino De La Siesta, Ste. 405, San Diego, CA 92108
Address

www.maximhealthcare.com
Website

hereinafter referred to as "Consultant."

1 SCOPE AND TERMS

1.1 SCOPE OF SERVICES

Scope of Services. In compliance with all terms and conditions of this Agreement, the Consultant shall provide those services specified in the Consultant Services Documentation ("attached documents") attached hereto as **Exhibit "A"** and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the District entering into this Agreement, Consultant represents and warrants that Consultant is a provider of first class work and services and Consultant is experienced in performing the work and services contemplated herein and, in light of such status and experience, Consultant covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials shall be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

Compliance with Law. All services rendered hereunder shall be provided in accordance with any and all applicable ordinances, resolutions, statutes, rules, and regulations of the District, City and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered. Each and every provision required by law to be included in this Agreement shall be deemed to be included by this reference, and this Agreement shall be read and enforced as though they were included.

Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Consultant shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Consultant's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless District against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against District hereunder.

1.2 TERM

From: December 2, 2019

To: June 30, 2020

The Term of this Agreement as noted, unless earlier terminated as provided herein. The Parties may mutually agree to extend this term only by written amendment. Should the Parties agree to extend the term of this Agreement; the Agreement can only be extended on a year-to-year basis with written approval unless otherwise indicated in writing and in accordance with the law.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

2 FEES AND PAYMENTS

2.1 FEES

District shall pay Consultant for the specified services as reflected on **Exhibit A** during this contract term.

2.2 PAYMENTS

Consultant shall submit to District an itemized invoice which indicates work completed by Consultant. District shall review each invoice and/or receipts submitted to determine that the work performed and expenses incurred are in compliance with the provisions of this Agreement. District shall pay Consultant within a reasonable time and in accordance with this Agreement.

3. ADDITIONAL SERVICES.

District shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work as described herein. No such extra work may be undertaken unless a written order is first given by the District Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval or ratification of the Contract Officer. However, any increase in compensation beyond the Contract Sum, for services beyond what is contemplated in the Contract, must be approved or ratified by the Board of Education in a signed writing prior to any payment. Additionally, any other increases, extensions or renewals must be approved in writing by the Board of Education. It is expressly understood by Consultant that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefore unless specifically authorized pursuant to the terms of this section.

4 RESPONSIBILITIES OF CONSULTANT

4.1 ORGANIZATION

Consultant shall assign a Company Contact as Project Manager. The Project manager shall not be removed from the Project or reassigned without the prior written consent of District, which consent shall not be unreasonably withheld. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

4.2 COORDINATION OF SERVICES

Consultant agrees to work closely with the District staff in the performance of Services and shall be available to the District staff, consultants and other staff at all reasonable times.

4.3 STANDARD OF CARE:

Consultant shall perform all Services under this Agreement in a skillful, competent and timely manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all of Consultant's employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant further represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Any of Consultant's employees who are determined by District to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any of Consultant's employees who fail or refuse to perform the Services in a manner acceptable to District, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

4.4 INDEPENDENT CONSULTANT & ADDITIONAL PERSONNEL

Consultant is retained as an independent consultant and is not an agent or employee of the District. No employee or agent of Consultant shall by this Agreement become an agent or employee of the District. The work to be performed shall be in accordance with the work described herein, subject to such direction and amendments from District as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind District to any obligation whatsoever, except as specifically provided in writing by District. Any additional personnel performing the Services under this Agreement on behalf of Consultant shall

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law.

4.5 LAWS AND REGULATIONS

Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Service. Consultant shall be liable for all violations of such laws and regulations in connection with Services.

4.6 MAINTENANCE OF ACCOUNTING RECORDS

Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the District during normal business hours with reasonable notice to examine, audit and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of five (5) years from the date of final payment under this Agreement.

4.7 INSURANCE – Consultant shall comply with the following insurance provisions, unless one or more paragraphs are specifically waived by the District in writing.

(1) Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to District that it has secured all insurance required under this Section. In addition, Consultant shall not allow any subconsultant or employee to commence work until it has provided evidence satisfactory to the District.

(2) Minimum Requirements and Limits. Consultant shall, at its expense, procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the consultant, its agents, representatives, and employees. Such insurance shall survive after this agreement as permitted by law.

MINIMUM SCOPE OF INSURANCE - Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be **\$2,000,000** the required occurrence limit. **District waives _____**
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **\$1,000,000** per accident for bodily injury and property damage. **District waives _____**
3. **Workers' Compensation (Employer's Insurance):** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. Coverage shall include waiver of subrogation endorsement in favor of San Ysidro School District. **District waives _____**
4. **Professional Liability (Errors and Omissions):** Insurance appropriate to the Consultant's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. *(If applicable – see footnote next page)* **District waives _____**
5. **Improper Sexual Conduct:** \$1,000,000 per occurrence with an aggregate of not less than \$2,000,000 for damages because of bodily injury by reason of negligent hiring and supervision. May be included under General Liability. **District waives _____**
6. **Cyber Security Liability:** Coverage for both electronic and non-electronic data breach of \$2,000,000 per occurrence with an aggregate limit of not less than \$5,000,000 and shall cover all of Consultant's employees, officials and agents. Coverage shall apply to any dishonest, fraudulent, malicious or criminal use of Consultants or computer system or to obtain financial benefit for any party; to steal, take or provide unauthorized access of electronic data, including publicizing confidential electronic data or causing confidential electronic data to be accessible to unauthorized persons; transfer and for Third-Party Liability encompassing judgements or settlement and defense costs arising out of litigation due to a data breach and data breach response costs for customer notification and credit monitoring service fees. **District waives _____**

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

If the Consultant maintains higher limits than the minimums shown above, the District requires and shall be entitled to coverage for the higher limits maintained by the Consultant.

Additional Insured Status - Endorsement

The San Ysidro School District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an **Additional Insured Endorsement** to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used). If Blanket Endorsement, it must include policy number and insured's name.

Primary Coverage

For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

The Provider shall file, with the District, Certificates of Insurance indicating a thirty-day (30) cancellation notice. If not stated on the Certificates of Insurance, it is understood that a 30-day cancellation notice will be provided and failure to mail such notice shall impose obligation and liability upon the company/insured, its agents or representative.

Waiver of Subrogation

Consultant hereby grants to the San Ysidro School District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the District. The District may require the Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to the District.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of the contract of work.**
3. If coverage is canceled or non-renewed, and not replaced **with another claims-made policy form with a Retroactive Date prior to** the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of **five (5) years** after completion of work.

Verification of Coverage

Consultant shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. **All certificates and endorsements are to be received and approved by the District before work/services commences.** However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. **17D.7**
District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. **Page 5 of 11**

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

5 GENERAL PROVISIONS

5.1 DELAYS IN PERFORMANCE

(1) Neither District nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other disturbances; sabotage or judicial restraint.

(2) Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

5.2 SUSPENSION OF SERVICES

The District may, in its sole discretion, suspend all or any part of Services provided hereunder with cost to date of suspension. Consultant may not suspend its services without District's express written consent.

5.3 TERMINATION OF AGREEMENT

(1) Termination. District may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those services which have been adequately rendered to District to date of the notice of termination and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

(2) Consultant's Termination for Cause. This Agreement may be terminated by the Consultant upon thirty (30) days written notice to the District only when the District has substantially failed to perform its obligations under this Agreement. The written notice shall include a detailed description of the District's failure to perform, status of the work completed as of the date of termination together with a description and a cost estimate of the effort necessary to complete work in progress. In such event, the Consultant shall be compensated for services completed to the date of termination, together with compensation for such approved Additional Services performed after termination which are authorized by the District to conclude the work performed to the date of termination. Upon the District's request and authorization, Consultant shall perform any and all Additional Services necessary to wind up the work performed to the date of termination.

(3) Effect of Termination. If this Agreement is terminated as provided in this Section, District may require Consultant to provide all finished or unfinished documents, data, programming source code, reports or any other items prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such documents and other information within fifteen (15) days of the request.

(4) Terminated Services. In the event this Agreement is terminated in whole or in part as provided herein, District may procure, upon such terms and in such manner as it may determine appropriate, services similar or identical to those terminated.

5.4 OWNERSHIP OF MATERIALS AND CONFIDENTIALITY

(1) All materials and data, including but not limited to, data on electronic or magnetic media and any materials, documents and data required to be made or kept pursuant to federal, state or local laws, rules or regulations, prepared or collected by Consultant pursuant to this Agreement, shall be the sole property of the District, except that Consultant shall have the right to retain copies of all such documents and data for its records. District shall not be limited in any way in its use of such materials and data at any time, provided that any such use not within the purposes intended by this Agreement shall be at District's sole risk and provided that Consultant shall be indemnified against any damages resulting from such use, including the release of this material to third parties for a use not intended by this Agreement.

(2) All such materials and data shall be provided to the District, or such other agency or District as directed by District or required by law, rule or regulation, as they become due during the term of this Agreement as directed by District.

SAN YSIDRO SCHOOL DISTRICT

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(3) The District is a California public entity subject to all state and federal laws governing education, including but not limited to California Assembly Bill 1584 (AB 1584), the California Education Code, the Children's Online Privacy and Protection Act (COPPA), the Family Educational Rights and Privacy Act (FERPA), and HIPAA Privacy regulations and any other privacy laws, policies and regulations that may apply such as American Recovery and Reinvestment Act of 2009 ("ARRA") and the Health Information Technology and Economic Clinical Health Act of 2009 ("HITECH").

AB1584 requires, in part, that any agreement entered into, renewed or amended after January 1, 2015 between a local education agency (LEA) and a third-party service provider must include certain terms; and the LEA and the Service Provider desire to have this Agreement and the services provided comply with AB1584. This includes to all forms of protected health information, including paper, oral, and electronic, etc. Furthermore, only the minimum health information necessary to conduct business is to be used or shared.

- Pupil records obtained by the Consultant/Service Provider from LEA/District continue to be the property of and under the control of the District. The Consultant will obtain information regarding disciplinary and/or behavioral events for the purpose of allowing District personnel to improve and provide services to pupils. The Consultant will not be obtaining pupil-generated content.
- In the event of an unauthorized disclosure of a pupil's records, the Consultant shall report to an affected parent, legal guardian, or eligible pupil pursuant to the following procedure; written communication to the District's Superintendent, Deputy Superintendent and/or designee.
- The Consultant shall not use any information in a pupil record for any purpose other than those required or specifically permitted by this Professional Services Agreement.
- Consultant certifies that a pupil's records shall not be retained or available to the Consultant upon completion of the terms of this Professional Services Agreement.
- District agrees to work with Consultant to ensure compliance with FERPA.
- Consultant shall not use personally identifiable information in pupil records to engage in targeted advertising.
- Pupil records include any information directly related to a pupil that is maintained by the District or acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other District employees. Pupil records does not include/not mean de-identified information (information that cannot be used to identify an individual pupil) used by the third party to (1) improve educational products for adaptive learning purposes and for customized pupil learning; De-identified information, including aggregated de-identified information. (2) Demonstrate the effectiveness of the operator's products in the marketing of those products; or for the development and improvement of educational sites, services, or applications.

5.5 SAFETY

Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

5.6 PROJECT STAFFING

Consultant shall provide adequate staff and resources to facilitate all Consultant activity. Should Consultant fail to adequately staff a project, the District may, at its sole discretion, retain third party consulting services and back charge Consultant for all third-party fees.

5.7 INDEMNIFICATION

Indemnification: To the fullest extent permitted by law, Consultant shall defend (with counsel of District's choosing), indemnify and hold the District, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the District, its officials, officers, employees, agents, or volunteers.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

Design Professionals Only: If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a "design professional" (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

5.8 AMENDMENTS

This Agreement may not be amended except in writing signed by both Parties.

5.9 SEVERABILITY

If any section, subsection, sentence, clause or phrases of this Agreement, or the application thereof to any of the Parties, is for any reason held invalid or unenforceable, the validity of the remainder of the Agreement shall not be affected thereby and may be enforced by the Parties to this Agreement.

5.10 GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. Any action brought to enforce the terms of this Agreement shall be brought in a state or federal court located in the County of San Diego, State of California, but only after dispute resolution as provided herein.

5.11 CONFLICT OF INTEREST

For the term of this Agreement, no member, officer or employee of District, during the term of his or her service with District, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

5.12 SCHOOL SAFETY, FINGERPRINTING AND BACKGROUND INVESTIGATION REQUIREMENTS: Consultant agrees with the provisions of Education Code Section 45125.1 regarding the submission of fingerprints to the California Department of Justice. Consultant shall not be permitted to have any contact with District pupils until such time as Consultant has verified in writing to the District that they have complied with Educational Code Section 45125.1. **(Please complete attached School Safety Certification Form.)**

Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils. Please submit TB Clearance to the Business Services Office. This section may be waived if the District determines that the Consultant and/or its employees will have limited contact with District pupils or if Consultant and/or its employees will be supervised at all times by District staff.

District is waiving this requirement _____ .

5.13 DRUG/ALCOHOL/TOBACCO-FREE FACILITIES:

ALL DISTRICT FACILITIES ARE DRUG AND TOBACCO-FREE FACILITIES. ANY DRUG, ALCOHOL AND/OR TOBACCO USE (SMOKED OR SMOKELESS) IS PROHIBITED AT ALL TIMES ON ALL AREAS OF THE DISTRICT FACILITIES.

5.14 NOTICES / CONTACT INFORMATION

All notices or demands to be given under this Agreement by either party to the other shall be in writing and given either by: (a) personal service, (b) email or (c) by U.S. Mail, mailed certified mail with return receipt requested, addressed to the following entities.

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

COMPANY:	Maxim Health Care Services
Name:	Brandan McGee,
Title:	Assistant Controller
Address:	5030 Camino De La Siesta, Ste. 405
City/State/Zip Code:	San Diego, CA 92108
Telephone:	(619) 209-3696
Email:	

DISTRICT:	San Ysidro School District	
Name:	Marilyn Adrianzen	Oscar Madera
Title:	Chief Business Official	Special Education Director
Address:	4350 Otay Mesa Road	4350 Otay Mesa Road
City/State/Zip code:	San Ysidro, CA 92173	San Ysidro, CA 92173
Telephone:	(619) 428-4476	(619) 428-4476
Email:	marilyn.adrianzen@sysdschools.org	oscar.madera@sysdschools.org

6 ENTIRE AGREEMENT

This Agreement represents the entire understanding of District and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

7 WARRANTY OF AUTHORITY:

Each of the parties signing this Agreement warrants to the other that he or she has the full authority to enter into agreement on behalf of the Party for which his or her signature is made.//

CONSULTANT

DISTRICT

Maxim Healthcare Services

San Ysidro School District

Firm Name

Firm Name

Signature of Authorized Agent

Signature

Print Name, Title

Marilyn Adrianzen, Chief Business Official

Print Name, Title

Date:

Date

Board Approved:

Revised 09-13-18

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

SCHOOL SAFETY CERTIFICATION FORM

CERTIFICATION PURSUANT TO EDUCATION CODE SECTION 45125.1 and
Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c)
Fingerprinting and Criminal Background Investigation Requirements

The San Ysidro School District (District) has determined under Education Code Section 45125.1, subdivision (c) that in performing services under this contract, **Contractor/Consultant's employees and/or Subconsultants/Subcontractors may have contact with pupils.**

_____ (Initial) As required under Education Code Section 45125.1, subdivision (a), Consultant shall require their employees, including the employees of any sub-consultant and/or subcontractor, who will provide services pursuant to this contract to submit their fingerprints in a manner authorized by the Department of Justice in order to conduct a criminal background check to determine whether such employees have been convicted of or have charges pending for a felony as defined under Education Code Section 45122.1.

_____ (Initial) Consultant shall not permit any employee to perform services that may come in contact with pupils under this contract until the Department of Justice has determined that the employee has not been convicted of a felony or has no criminal charges pending for a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____ (Initial) Consultant certifies that all of its employees who may come in contact with pupils have not been convicted of or have no criminal charges pending for a felony, as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

_____ (Initial) Consultant shall defend, indemnify, protect and hold the District and its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property which arise from or are connected with or are caused or claimed to be caused by Consultant's failure to comply with all of the requirements contained in Education Code Section 45125.1, including, but not limited to, the requirements prohibiting Consultant from using employees who may have contact with pupils who have been convicted or have charges pending for a felony in Education Code Section 45122.1.

_____ (Initial) Per Ed Code 49406 and Assembly Bill 1667, the District requires for Tuberculosis (TB) Clearances to be in place by anyone coming in contact with pupils.

_____ (Initial) Consultant's individuals/employees and/or Subconsultants/Subcontractors who may come in contact with pupils in the performance of services in this contract agree to provide fingerprint (DOJ/FBI) and TB Clearances (at their own expense) to be in compliance with the above-mentioned Ed Codes before commencement of any services under this contract. The District will provide LiveScan form if necessary.

- I certify to the District's Governing Board that I have read and understand the above terms and conditions and will report any changes that may affect the performance services of this contract.
- I certify to the District's Governing Board that none of the Consultant's employees/individuals and/or Subconsultants/subcontractors performing services under this agreement have been convicted of a felony as defined in Education Code Section 45122.1 and in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).
- I certify to the District's Governing Board that all of the Consultant's and Subconsultant's/Subcontractor's employees-individuals performing services under this agreement are clear of tuberculosis (TB) as defined on Education Code Section 49406 and Assembly Bill 1667.

Company Name: _____

Name/title of authorized representative (Print) _____

Signature _____ Date _____

SAN YSIDRO SCHOOL DISTRICT

4350 Otay Mesa Road, San Ysidro, CA 92173

EXHIBIT A

SCOPE OF SERVICES

Maxim Healthcare Services will be providing Resource Specialist Program teaching staff to provide assessment, instructional services, consultation, coordination, planning, curricular resources, evaluation and remediation for individuals with exceptional needs. These may include all classifications of special education students whose Individualized Education Program (IEP) requires placement in the resource specialist program.

Duration of service: As needed

Rate per hour: \$65.00

Hours per day: 7

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Sunset Elementary School
Efrain Burciaga, Principal

INITIAL: *CB*
 Informational
 Action

AGENDA ITEM: AGREEMENT WITH MANO A MANO FOUNDATION

BACKGROUND INFORMATION:

The Mano a Mano Foundation was established to provide cultural sensitive, educational and supportive services to Latino families in the North County San Diego community. It is a 501(c)3, non-profit organization that provides skill building support groups that help parents and their children to encourage and nurture family success. Mano a Mano also promotes student and family involvement in school; drug and alcohol, and abuse awareness and education, gang prevention; parenting skill training and parent support groups.

Dr. Beatriz Villarreal will provide parent education workshops to provide actual and up-to-date information of how to help and guide their youth at home so they can succeed in school and in their lives. Workshops will inform parent how to participate in active, constructive and positive manner in their children's education. Parents will receive information on how to prevent at-risk behaviors and the strategies that will help them educate a health, well-mannered, independent, responsible and sensitive youth.

The parent education workshops (8 weeks) will be offered at Sunset Elementary School every Wednesday starting January 29, 2020 through March 18, 2020.

RECOMMENDATION:

Approve the agreement with the Mano A Mano Foundation for parent education workshops at Sunset Elementary School during the months of January to March at a cost of \$4,000.00 from Title I funds.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Goal 3: Parent Engagement- Parent participation in the educational process will increase annually. Action Step 3.8: Provide parenting support through parenting classes and community resources that target students with socio-emotional challenges and behavioral needs.

<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amendment	<input type="checkbox"/> Ratify	<input type="checkbox"/> Other	Business Services Reviewed: <i>mw</i>
Financial Implications?		Are funds for this item available in the 2019-2020 Budget?			Requisition #
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
\$4,000.00 <small>(Amount)</small>	Title I Funds <small>(Name of funding source and/or location)</small>				

Recommended for: Approval Denial Certification Requested Yes No
Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

SAN YSIDRO SCHOOL DISTRICT SERVICE AGREEMENT FOR GUEST SPEAKER

Between Mano a Mano Foundation (SPEAKER) and
San Ysidro School District (DISTRICT)

1. Purpose:

To provide Parent Education workshops services at Sunset School. An 8 week Spanish speaking program for Latino parents to provide actual, up-to date information of how to help and guide their youth at home so they can succeed in school and in their lives. Workshops will inform parents how to participate in an active, constructive and positive manner in their children's education. Workshops give parents the information of how to prevent at-risks behaviors and the strategies that will help them educate a healthy, well mannered, independent, responsible and sensitive youth.

2. Scope of Services:

The SPEAKER shall perform the services described below for the compensation stated in Section 3:

Keynote speaker/presenter for parent educational meetings (8-week session) at the DISTRICT's Sunset School Site where the school site administrator has approved. The term of this agreement is from January 29, 2020 to March 18, 2020 as scheduled with the school site administrator.

3. Compensation:

DISTRICT will pay SPEAKER a not to exceed amount of \$4,000.00. The DISTRICT is not responsible for any other expenses.

SPEAKER shall submit to DISTRICT an itemized invoice which indicates work completed. DISTRICT shall review each invoice to determine that the work performed is in compliance with the provisions of this Agreement. DISTRICT shall pay SPEAKER within 30 days and in accordance with this Agreement. Please note: Payments cannot be made in advance of services.

4. Indemnification and Hold Harmless:

SPEAKER shall defend, indemnify, and hold harmless the DISTRICT, its Board of Trustees, officers, and employees from and against any and all loss, expense, damage, claim, demand, judgment, fine, charge, lien, liability, action, cause of action or proceedings of any kind whatsoever (whether arising on account of damage to or loss of property, or personal injury, emotional distress, or death) arising directly or indirectly in connection with the performance or activities of the SPEAKER hereunder, whether the same arises before or after completion of or expiration of this Agreement, except for damage, loss, or injury resulting from the DISTRICT's sole negligence or willful misconduct.

5. Insurance

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, sexual misconduct and personal & advertising injury with limits no less than \$1,000,000 per occurrence with a general aggregate limit of \$2,000,000 the required occurrence limit. The San Ysidro School District must be named additional insured and endorsed.

Verification of Coverage

SPEAKER shall furnish the District with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the DISTRICT before work/services commences. However, failure to obtain the required documents prior to the work beginning shall not waive the SPEAKER's obligation to provide them. The DISTRICT reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

5. Termination:

This contract may be terminated at no cost to either party upon 10 days advance written notice prior to the date of service stated in Section 2, above.

6. Other:

SPEAKER is an independent contractor and will pay all applicable state, local and federal taxes associated with this agreement. This Agreement is the complete and exclusive understanding of the parties, and may only be modified in writing with the agreement of both parties.

This Agreement shall be governed by the laws of the State of California. Any dispute arising hereunder shall be resolved exclusively in the courts of the State of California located in San Diego, California.

MANO A MANO

GUEST SPEAKER – DR. BEATRIZ VILLARREAL, DIRECTOR

Signature: _____ Date: _____

Address: _____

Telephone: (760) 492-8897 E-mail: _____

SAN YSIDRO SCHOOL DISTRICT – Authorized Representative

Signature: _____ Date: _____

Marilyn Adrianzen, Chief Business Official
4350 Otay Mesa Road, San Ysidro, CA 92173
(619) 428-4476

Board approved: _____



Providing Support &
Education to the
Latino Community

ation Series

“Parents Learning to be Better Parents”

Beatriz Villarreal, Ed.D.

Mano a Mano Foundation

Eight week program for Spanish speaking Latino parents that will provide actual, up-to date information to help and guide their youth succeed in school and in their lives.

The program series cost \$4000 dollars.

Includes:

- Professional services
- Graduation ceremony certificates
- Professional speakers

OVERALL OBJECTIVES

- To inform parents how to participate in an active, constructive and positive manner in their children education.
- To give parents the information of how to prevent at-risks behaviors and the strategies that will help them educate a healthy, well mannered, independent, responsible and sensitive youth.

Description of the Program:

“Parents learning to be better parents” is a skills-building program that helps face the difficult task of raising loving and responsible youngsters. The program is culturally sensitive and specifically focuses on the challenges facing parents today, like drugs, gangs, communication, self-esteem, violence, and discipline.

This program stresses the importance of loving communication within families.

Parents are encouraged to develop clear and consistent family rules and hold their children accountable for their behaviors. They are reminded of the immense influence they have with their children. They are the most important role models.

Finally, we will stress the importance the healthy values and positive attitudes that contribute to their children's successes.

“Parents learning to be better parents” will be offered in eight weekly sessions of two hours. Dr. Villarreal is very well informed of support services around our North Coastal community. She will provide a list of community based agencies to the parents if they need any further services/assistance.

Programa Para Padres de Familia

Dra. Beatriz Villarreal

“Familias Aprendiendo a ser Mejores Familias”

La Escuela Sunset Elementary los invita a participar en una serie de talleres donde recibirá información actualizada de lo que pasa en nuestra comunidad y también con el propósito de ayudarlo a poder formar jóvenes que tengan éxito en la escuela y en la vida en general.

Sponsored by:

Sunset Elementary School

**This workshop will
be presented in
Spanish only**

Sunset Elementary
The Mighty Lions

**This workshop will
be presented in
Spanish only**

Los temas serán:

- | | |
|--|--------------------------------|
| • En la Educación está el Poder | Miércoles 29 de Enero, 2020 |
| • Comunicación Efectiva Familiar | Miércoles, 5 de Febrero, 2020 |
| • Familias Tóxicas/Familias Sanas | Miércoles, 12 de Febrero, 2020 |
| • La Verdad sobre las drogas: Mariguana/VAPING | Miércoles, 19 de Febrero, 2020 |
| • Disciplina Positiva/Limites | Miércoles, 26 de Febrero 2020 |
| • Salud Mental: Inteligencia Emocional, Depresión, Suicidio | Miércoles, 4 de Marzo, 2020 |
| • Peligros del Internet: Redes Sociales/Texting/Aplicaciones | Miércoles, 11 de Marzo, 2020 |
| • Graduación | Miércoles, 18 de Marzo, 2020 |

Estos talleres se ofrecerán en la escuela

Sunset Elementary School

3825 Sunset Ln, San Ysidro, CA 92173

De 8:30am a 10:30am



Por favor llene esta forma y si está interesado en asistir y envíela a la escuela lo más pronto posible

Si asistiré: _____

Número de niños que necesitarán cuidado _____

Nombre del Padre o Tutor

Nombre del Alumno

Si tiene alguna pregunta, favor de comunicarse con:

17D.8

Page 5 of 5

SAN YSIDRO SCHOOL DISTRICT GOVERNING BOARD AGENDA

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *MC*
 Informational
 Action

AGENDA ITEM: CONSULTANT AGREEMENT WITH SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS FOR THE MULTI-TIERED SYSTEM OF SUPPORT (MTSS) PROGRAM FOR THE 2019-20 SCHOOL YEAR

BACKGROUND INFORMATION:

The District, acting as a consultant to the San Diego County Office of Education (SDCOE), will comply with all services listed and will receive a compensation of \$17,040.00 for the 2019-20 school year.

- Participation in Technical Assistance (TA) provided by SDCOE in partnership with the California Department of Education, Butte County Office of Education, the SWIFT Center and other County Offices of Education.
- Implement an integrated multi-tiered system of standards-based instruction, interventions, mental health, and academic and behavioral supports aligned with accessible instruction and curriculum using the principles of universal design, such as UDL, established in the state curriculum frameworks and Local Control Accountability Plans (LCAPs), which are required to demonstrate how the services provided for low income pupils, foster youth, and English learners are increased or improved for these pupils (5 CCR 15496)).
- Provide strategies that support student success in the least restrictive environment and foster greater inclusion.
- Leverage and coordinate multiple school and community resources.
- Implement multi-tiered, evidence-based, data-driven district-wide and school-wide systems of academic and behavioral support.
- Incorporate the types of practices, services, and efforts listed in numbers 2-5 into LEAs' LCAPs.

RECOMMENDATION:

Approve/Ratify the agreement with the San Diego County Superintendent of Schools for the Multi-Tiered System of Support Program. The District will receive compensation in the amount of \$17,040.00 for school year 2019-20.

LCAP GOAL AND ACTION/SERVICE:

Goal 1: Student Achievement

Renewal New Amendment Ratify Other

Business Services Reviewed: *MCW*
Requisition #

Financial Implications?
 Yes No

Are funds for this item available in the 2019-2020 Budget?
 Yes No

REVENUE
\$17,040.00
(Amount)

N/A
(Name of funding source and/or location)

--
(Funding account number)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Consultant Agreement

SDCOE Agreement No. _____

This Consultant Agreement, for the provision of services is entered into this 20th day of June, 2019, by and between the SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS (hereinafter referred to as "SDCOE") SAN YSIDRO SCHOOL DISTRICT (hereinafter referred to as "Consultant") who agrees to provide the following services to the SDCOE:

1. Scope of Services.

Consultant shall provide services as described in Exhibit "A" entitled "Special Provisions" attached hereto and made a part hereof.

2. Term of Agreement.

This Agreement shall be effective from the period commencing **July 1, 2019, and ending June 30, 2020**, unless sooner terminated by SDCOE as provided in the section of this Agreement entitled "Termination." Upon expiration or termination of this Agreement, Consultant shall return to SDCOE any and all equipment, documents or materials and all copies made thereof which Consultant received from SDCOE or produced for SDCOE for the purposes of this Agreement.

3. Termination.

This Agreement may be terminated with or without cause by SDCOE. Termination without cause shall be effective only upon 60-day written notice to Consultant. During said 60-day period Consultant shall perform all consulting services in accordance with this Agreement.

This Agreement may also be terminated by SDCOE for cause in the event of a material breach of this Agreement, misrepresentation by Consultant in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by SDCOE. Termination for cause shall be affected by delivery of written notice of termination to Consultant. It is understood and agreed the termination may be delivered via email and shall be effective on the date sent.

4. Compensation and Reimbursement.

The SDCOE will compensate Consultant at a rate of **\$17,040 (seventeen thousand forty dollars) for the term of this agreement**. Consultant understands and agrees that there shall be no payment in instances where services are not provided. All payments are made based upon a net 15 basis from receipt and approval of submitted invoice. The SDCOE reserves the right to prorate any compensation based upon the services actually performed.

Invoices must include the SDCOE assigned agreement number stipulated on the first page of this Agreement. Consultant will invoice SDCOE monthly for services that have been completed in the previous month.

Consultant may be reimbursed for reasonable and necessary expenses in accordance with SDCOE reimbursement policies provided such expenses are pre-approved by the SDCOE contact designee. Expense reimbursement requests require receipts, without accompanying receipts will not be reimbursed.

5. Confidential Relationship.

SDCOE may from time to time communicate to Consultant certain information to enable Consultant to effectively perform the services. Consultant shall treat all such information as confidential, whether or not so identified, and shall not disclose any part thereof without the prior written consent of the SDCOE. Consultant shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services. The foregoing

obligation of this Paragraph 5, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of Consultant, hereafter disclosed in publicly available sources of information; (iii) is now in the possession of Consultant without any obligation of confidentiality; (iv) is required to be disclosed by operation of law; or (v) has been or is hereafter rightfully disclosed to Consultant by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

Consultant shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the SDCOE. In its performance hereunder, Consultant shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

6. Public Records Act.

Consultant acknowledges that the SDCOE is a public agency subject to the requirements of the California Public Records Act Cal. Gov. Code section 6250 et seq. The SDCOE acknowledges that Consultant may submit information that Consultant considers confidential, proprietary, or trade secret information pursuant the Uniform Trade Secrets Act (Cal. Civ. Code section 3426 et seq.), or otherwise protected from disclosure pursuant to an exemption to the California Public Records Act (Government Code sections 6254 and 6255). Consultant acknowledges that the SDCOE may submit to Consultant information that the SDCOE considers confidential or proprietary or protected from disclosure pursuant to exemptions to the California Public Records Act (Government Code sections 6254 and 6255). Upon request or demand of any third person or entity not a party to this Agreement (“Requestor”) for production, inspection and/or copying of information designated by a Disclosing Party as Confidential Information, the Receiving Party as soon practical but within three (3) days of receipt of the request, shall notify the Disclosing Party that such request has been made, by telephone call, letter sent via facsimile and/or by US Mail to the address and facsimile number listed at the end of the Agreement. The Disclosing Party shall be solely responsible for taking whatever legal steps are necessary to protect information deemed by it to be Confidential Information and to prevent release of information to the Requestor by the Receiving Party. If the Disclosing Party takes no such action, after receiving the foregoing notice from the Receiving Party, the Receiving Party shall be permitted to comply with the Requestor’s demand and is not required to defend against it.

7. Ownership of Documents.

All memoranda, reports, plans, specifications, maps and other documents prepared or obtained under the terms of this Agreement by or for SDCOE shall be the property of SDCOE and shall be delivered to SDCOE by Consultant upon demand.

Services provided to the SDCOE, and all participating schools therein, and all related materials including, but not limited to; audio; video; images; Consultant’s name, slogans, quotes, writings; posters; and any other related materials which are exclusively owned by the Consultant will remain the exclusive property of the Consultant.

8. Fund Availability

Funding of this Agreement, if funded by the SDCOE, is contingent upon appropriation and availability of funds. Work performed in advance of Agreement approval shall be done at the sole risk of Consultant. In the event the funds are not available by operation of law or budget determination, SDCOE shall have the exclusive right to withhold funding.

9. Data Privacy and Protection

All SDCOE content/data (to include but not limited to: students, teachers, interns, aides, Principals, and other administrative personnel) information involved in this agreement shall continue to be the property of and under the control of the SDCOE.

All content/data created by the SDCOE or by its students or personnel using the service provided will cease to be retained by the Consultant at the conclusion of this Agreement and will, in fact, be removed from the Consultant's records.

The Consultant will not use any information in a student or personnel record for any purposes other than those required or specifically permitted by this Agreement. Any other use of the SDCOE's student and personnel information will not be undertaken without the express, written consent of the SDCOE.

The Consultant uses the following methods to ensure the privacy and security of all electronically stored information:

- transmission of student and personnel information is always via secure protocols (SFTP, SSL and/or encryption)
- no data transmission occurs via email
- student and personnel data are stored in an encrypted form and programmatic access to that data is done using secure coding standards without visible account or password information
- all server systems including data storage are maintained in a locked, secure, environmentally controlled facility
- all server systems have been hardened with industry standard recommended measures for security protection

The Consultant will notify the SDCOE within 24 hours of the Consultant discovering an unauthorized access or disclosure of SDCOE data.

The Consultant and the SDCOE will work together to ensure compliance with FERPA regulations as applicable.

10. No Assignments.

Neither any part nor all of this Agreement may be assigned or subcontracted, except as otherwise specifically provided herein, or to which SDCOE, in its sole discretion, consents to in advance thereof in writing. Any assignment or subcontracting in violation of this provision shall be void.

11. Audit.

Consultant agrees to maintain and preserve, until three (3) years after termination of the Agreement with the SDCOE and to permit the State of California or any of its duly authorized representatives, to have access to and to examine and audit any pertinent books, documents, papers, and records related to this Agreement.

12. Independent Contractor.

It is expressly understood that at all times, while rendering the services described herein, and in complying with any terms and conditions of this Agreement, Consultant is acting as an independent contractor and not as an officer, agent, or employee of the SDCOE.

13. Licenses, Permits, Etc.

Consultant represents and declares to SDCOE that it has all licenses, permits, qualifications, and approvals of whatever nature that is legally required to practice its profession. Consultant represents and warrants to SDCOE that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for Consultant to practice its profession.

14. Consultant's Insurance.

The Consultant shall maintain and shall cause each Subcontractor to maintain Public Liability and Property Damage Insurance to protect them and the SDCOE from all claims for personal injury, including accidental death, as well as from all claims for property damage arising from the operations under this Agreement. The minimum amounts of such insurance shall be as hereinafter set forth.

Required Amounts of Insurance:

General Liability Comprehensive form - Products/Completed Operations	Bodily Injury and Property Damage	\$1,000,000 Amount
Auto Liability Comprehensive form - Owned, Nonowned Hired	Bodily Injury and Property Damage Combined	\$100,000/\$300,000 Amount

The Consultant shall file, with the SDCOE, Certificates of Insurance indicating a thirty-day (30) cancellation notice and naming the **SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS** as an additional insured.

15. Workers' Compensation.

The Consultant shall provide workers' compensation insurance or shall self-insure their services in compliance with provisions of Section 3700 of the Labor Code of the State of California. A Certificate of Insurance may be provided, providing for such, or Consultant shall sign and file on company letterhead stationery with the SDCOE the following certificate:

"I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provision of that Code, and I will comply with such provision before commencing the performance of the work of this Agreement."

16. Tuberculosis Clearance.

Consultant shall certify in writing that Consultant's employees, volunteers, and subcontractors receive clearance for TB.

17. Pupil Safety/School Safety Act.

Consultant shall comply with all provisions of Education Code section 45125.1 et seq., as applicable to the determination below. The SDCOE has completed the "Pupil Safety Provisions" below certifying the level of contact that Consultant is expected to have with SDCOE'S pupils.

_____ The SDCOE has determined that greater than limited contact with pupils may occur under the terms of this Agreement. Fingerprinting and certification will be required of the Consultant. No work may take place until the requirements of Education Code section 45125.1 have been met.

_____The SDCOE has determined that limited contact with pupils may occur under the terms of this Agreement. In lieu of fingerprinting, a SDCOE employee will provide supervision at all times when the Consultant has contact with pupils.

XXXX The SDCOE has determined that there will be no contact with pupils under the terms of this Agreement.

The above determination is made by Shannon Baker, Ed.D.

Signature _____ Date _____
(SDCOE Program Manager/Director)

18. Indemnification.

Consultant agrees to hold harmless, defend, and to indemnify the SDCOE, accept any and all responsibility for loss or damage to any person or entity, including SDCOE, and to indemnify, hold harmless, and release SDCOE, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against SDCOE based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on SDCOE's part, but to the extent required by law, excluding liability due to SDCOE's conduct. SDCOE shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

19. Tobacco-Free Facility.

The SDCOE is a tobacco-free facility. Tobacco use (smoked or smokeless) is prohibited at all times on all areas of or within SDCOE property.

20. Notices.

All notices, legal or otherwise, shall be provided as follows:

SDCOE: Gail Paradeza, Coordinator
6401 Linda Vista Rd
San Diego, CA 92111
858-292-3603
gparadeza@sdcoe.net

With copy to: Assistant Superintendent, Business Services and
SDCOE Legal Services
6401 Linda Vista Rd
San Diego, CA 92111

Consultant: _____,

_____, _____
_____-_____-_____

21. Amendment.

No oral or other agreements or understandings shall be effective to modify or alter the written terms of the agreement. This Agreement may be amended or modified only by a written instrument signed by the SDCOE and by a duly authorized representative of the Consultant.

17D.9
Page 6 of 9

22. Governing Law/Venue.

In the event of litigation, the Agreement and related matters shall be governed by and construed in accordance with the laws of the State of California. Venue shall be with the appropriate state or federal court located in San Diego County.

23. Compliance with Law.

The Consultant shall be subject to, and shall comply with, all federal, state, and local laws and regulations applicable to its performance under this Agreement including, but not limited to: licensing, employment, purchasing practices, wages, hours, and conditions of employment, including non-discrimination.

24. Debarment, Suspension or Ineligibility Clause.

By signing this Agreement, the Consultant certifies that the Consultant, and any of its principles and/or subcontractors:

- i. Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any federal agency, and;
- ii. Have not, within a three-year period preceding this Agreement, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with containing, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements, or receiving stolen property. Consultant certifies that no employee, officer, agent, or subcontractor who may come in contact with students in performance of this Agreement, has been convicted of a serious or violent felony.

25. Final Approval.

This Agreement is of no force or effect until approved by signature by the SDCOE Superintendent of Schools or his designee, the Assistant Superintendent of Business Services.

26. Employment with Public Agency and Retirees.

Consultant, if an employee of another public agency, agrees that Consultant will not receive salary or remuneration, other than vacation pay, as an employee of another public agency for the actual time in which services are being performed pursuant to this Agreement. Retirees should seek guidance from their respective retirement system to avoid a loss of retirement benefits.

27. Counterparts.

This Agreement (and any amendments) may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument. Documents delivered electronically shall be valid and binding.

28. Entire Agreement.

This Agreement represents the entire Agreement and understandings of the parties hereto and no prior writings, conversations or representations of any nature shall be deemed to vary the provisions hereof. This Agreement may not be amended in any way except by a writing duly executed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, such parties acting by their representatives being thereunto duly authorized.

**SAN DIEGO COUNTY SUPERINTENDENT
OF SCHOOLS**

CONSULTANT

By (Authorized Signature)

By (Authorized Signature)

Michael Simonson

Name (Type or Print)

Name (Type or Print)

Deputy Superintendent, CBO

Title

Title

Date

Date

EXHIBIT A SPECIAL PROVISIONS

A. Scope of Services.

Consultant shall provide the following services:

1. Participation in Technical Assistance (TA) provided by SDCOE in partnership with the California Department of Education, Butte County Office of Education, the SWIFT Center and other County Offices of Education.
2. Implement an integrated multi-tiered system of standards-based instruction, interventions, mental health, and academic and behavioral supports aligned with accessible instruction and curriculum using the principles of universal design, such as UDL, established in the state curriculum frameworks and Local Control Accountability Plans (LCAPs), which are required to demonstrate how the services provided for low income pupils, foster youth, and English learners are increased or improved for these pupils (5 CCR 15496)).
3. Provide strategies that support student success in the least restrictive environment and foster greater inclusion.
4. Leverage and coordinate multiple school and community resources.
5. Implement multi-tiered, evidence-based, data-driven district-wide and school-wide systems of academic and behavioral support.
6. Incorporate the types of practices, services, and efforts listed in numbers 2-5 into LEAs' LCAPs.

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Gina A. Potter, Ed.D.
Superintendent

INITIAL: *gap*
 Informational
 Action

AGENDA ITEM: MEMBERSHIP TO THE CALIFORNIA PUBLIC RELATIONS ASSOCIATION (CALSPRA) 2019-2020

BACKGROUND INFORMATION:

California School Public Relations Association (CalSPRA) is a network of professionals dedicated to excellent school communication. Its primary purpose is to advance the practice of school communications by providing professional development, resources, support, and networking opportunities for all its members. CalSPRA is an incomparable resource for information sharing and statewide collaboration.

RECOMMENDATION:

Approve/Ratify the membership of Francisco Mata, Coordinator of Public Relations and Community Services, to the California Public Relations Association for 2019-2020 at an estimated cost of \$150.00 from the General fund.

LCAP GOAL AND ACTION/SERVICE (please indicate):

Renewal New Amendment Ratify Other

Business Services Reviewed: *[Signature]*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

[Empty box for Requisition #]

\$150.00
(Amount)

General Fund
(Name of funding source and/or location)

[Empty box for Funding account number]

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

[Signature: Gina A. Potter]
Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

Join CalSPRA Today! 2019-20 Membership Drive Opens July 1, 2019!

Your leadership of California's public schools is a critical component in assuring educational success for all students. As one of five National School Public Relations Association's Chapter of Distinctions, the California Schools Public Relations Association will prepare your organization to effectively communicate during a crisis or the changes we are facing with Common Core Standards, a bond passage, trustee redistricting, and/or the local control-funding model. An essential way to ensure that your organization has the best possible resources at hand to improve student achievement and build support for education through informing and engaging stakeholders is by purchasing CalSPRA's Institutional Membership (up to three individuals per institution) for only \$250.

Here are a few of the benefits we look forward to sharing with your organization:

- CalSPRA Listserv — a "lifeline" for daily networking and mentoring with colleagues from across the state. Got a crisis or question? Need a parent letter or sample policy? Post your query on the CalSPRA Listserv and you'll get an instant response.
- Reduced registration fees at CalSPRA regional networking events, conferences, and awards program
- Sample resources such as letters, contract, board policies, communication and marketing plans, parent involvement and engagement plans, and much more to make communicating easier.
- Annual Excellence in Communications Awards Program and Ceremony
- Networking with Superintendents, Communicators, and students alike
- Regional Professional Development and Networking Events - Southern, Central Valley, and Bay Area Region
- Member of a valuable professional association

CalSPRA is a network of professionals dedicated to excellent school communication. Its primary purpose is to advance the practice of school communications by providing professional development, resources, support, and networking opportunities for our members. Simply put, CalSPRA is an incomparable resource for information sharing and statewide collaboration. Start the school year off right with a communication edge by joining us or renewing your membership today.

- We guarantee that joining CalSPRA will be one of the best investments you will make this year! Please also take time to review the **National School Public Relations Association membership information** and consider investing in your professional future by joining its team as well!

So what are you waiting for? Join us!

[Home](#) | [Join Us](#) | [Contact Us](#) | [Site Map](#)

[Home](#) [My profile](#) [Invoice # 00065](#)

[Back](#)

Invoice #00065

Balance due: \$150.00

Thank you for your CalSPRA membership!

If paying by check, please make check out to: California School Public Relations Association

and mail to:

CalSPRA Treasurer c/o Matthew Jennings
Oceanside Unified School District
2111 Mission Avenue
Oceanside, CA 92058

or pay offline

Invoice details

Balance due \$150.00

Amount \$150.00

Invoice # 00065

Date October 09, 2018

Origin Member application
Individual

17D.10
Page 3 of 4

Invoiced to Francisco Mata, San Ysidro School District
francisco.mata@sysdschools.org

Item	Amount
Membership application. Level: Individual	\$150.00
Invoice total	\$150.00

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *MG*
 Informational
 Action

AGENDA ITEM: ACCEPTANCE OF 20 KANO COMPUTERS DONATED BY COX COMMUNICATIONS FOR SMYTHE SCHOOL

BACKGROUND INFORMATION:

Through our partnership with Promise Neighborhoods, Cox Communications has dedicated a donation of 20 KANO computers for 6th grade students to assemble and code. Upon their completion, the assembled computers will remain at Smythe Elementary school for future use. Once those are completed, Cox Communication will donate 100 Chrome Books directly to all 6th graders for their own personal use. Each KANO computer is valued at \$95.98 on Amazon

The event is scheduled for December 12, 2019 at Smythe Elementary School.

RECOMMENDATION:

Approve/Ratify the acceptance of 20 KANO computers donated by Cox Communications to be used by 6th grade students from Smythe School.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Safety, Climate and Student Engagement – Action 2.9: Provide enrichment opportunities and programs for students to improve the academic environment (i.e. College Readiness, Compact for Success, Junior Achievement, etc) and to include extended year educational experiences and activities.

Renewal New Amendment Ratify Other

Business Services Reviewed: *ma*

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

ESTIMATED VALUE

DONATION \$2,000.00 (Amount)

N/A (Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Educational Services
Manuela Colom, Executive Director

INITIAL: *MC*
 Informational
 Action

AGENDA ITEM: MEMORANDUM OF UNDERSTANDING WITH SANFORD HARMONY TO PROVIDE SOCIAL EMOTIONAL LEARNING (SEL) SERVICES

BACKGROUND INFORMATION:

Sanford Harmony is a social emotional learning program for Pre-K-6 grade students designed to foster communication, connection, and community both in and outside the classroom, and develop boys and girls into compassionate and caring adults.

Social emotional learning (SEL) is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary for being a healthy adult. This includes problem-solving skills, as well as teaching kids to embrace diversity and build healthy relationships that will last well into adulthood.

These services were introduced and recommended through the San Diego County Office of Education Expanded Learning Program Consortium. All Materials will be provided at no cost to SYSD.

RECOMMENDATION:

Approve/Ratify the Memorandum of Understanding with Sanford Harmony to provide Social Emotional Learning services to students in grades Preschool through sixth at no cost to the District.

LCAP GOAL AND ACTION/SERVICE:

Goal 2: Safety, Climate and Student Engagement – Action 2.9: Provide enrichment opportunities and programs for students to improve the academic environment (i.e. College Readiness, Compact for Success, Junior Achievement, etc.) and to include extended year educational experiences and activities.

<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Ratify	<input type="checkbox"/> Other	Business Services Reviewed: <i>MC</i>
Financial Implications?		Are funds for this item available in the 2019-2020 Budget?			Requisition #
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
N/A <small>(Amount)</small>	N/A <small>(Name of funding source and/or location)</small>				

Recommended for: Approval Denial Certification Requested Yes No
Superintendent's Office Certification:

Gina A. Potter

Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN SYSTEM MANAGEMENT GROUP AND SAN YSIDRO SCHOOL DISTRICT

This Memorandum of Understanding ("MOU") is made and entered into between Sanford Harmony, operated by System Management Group, a supporting organization of the National University System ("NUS"), a California nonprofit public benefit corporation, and San Ysidro School District ("Institution"), located at 4350 Otay Mesa Road, San Ysidro, CA 92173, collectively the "Parties," with reference to the following facts:

WHEREAS, NUS has established the Sanford Harmony Program ("SHP"), a social and emotional learning program designed to build healthy relationships among Pre-K-6th grade students and provide professional development training. The goal of Sanford Programs is to build awareness of commonalities and celebrate differences among diverse students. The Sanford Harmony Program was developed by researchers at Arizona State University and is implemented by Sanford Programs in La Jolla, California;

WHEREAS, Institution recognizes the importance of sharing the goal of implementing a social and emotional learning program and professional development training among their staff; and

NOW, THEREFORE, in consideration of the mutual covenants herein set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

Institution and NUS will support schools to encourage healthy relationships in Pre-K-6th grade students and address social emotional learning. The following expectations and deliverables are the conditions for which support services and goods will be provided:

A. NUS agrees to the following at no charge:

1. Provide access to digital resources.
2. Provide access to online and on-demand training options.
3. Provide ongoing support to Institution's employees via telephone or via digital correspondence to implement SHP materials.
4. Prior to collecting any feedback, conducting observations, or collecting any other data in or from Institution, NUS will obtain Institution's approval and follow the Institution's research review process set forth in their guidelines, if any, and obtain any necessary approvals from an Institutional Review Board in accordance with applicable laws or regulations pertaining to human subjects. NUS understands that a separate data sharing and security agreement may be necessary between the Parties prior to the initiation of any evaluation or study.
5. NUS will continuously provide current versions of the curriculum, PowerPoints and training material. Both Parties will work cooperatively to determine an efficient and timely transfer of these materials and information.

B. Institution agrees to the following:

1. Implement the Sanford Harmony program.

2. Institution's implementation guidelines may include:
 - utilizing SHP components and resources;
 - implementing [Harmony Meetup and/or Buddy Up] approximately 15 minutes per day; and
 - integrating Harmony Units throughout the daily schedule as appropriate for at least 30 minutes per week.(The amount of dedicated time will be dependent on grade level and/or a developmentally appropriate amount of time needed for activities.)
3. Retain authority to determine the design and implementation of its curriculum.
4. Provide NUS with feedback on program materials and their effectiveness via questionnaires and/or interviews from users, e.g. teachers, administrators, etc. Information obtained through questionnaires, interviews, and/or observation shall be provided to NUS with NO personally identifiable information.
5. Optional: allow access to classrooms at mutually agreed upon times for the purpose of observing the effectiveness of its program materials.

C. General Provisions

1. Term and Termination. This MOU begins on January 1, 2020 and will continue until January 1, 2021 but in no instance longer than 1 year from the date of execution. Either party may terminate this MOU upon 30 days' written notice.

2. Extension. This MOU may be renewed or extended by a written document signed by authorized representatives of both parties. During any period of renewal or extension, the terms of this MOU and the Exhibits will govern the rights and obligations of the parties.

3. Intellectual Property. All trademarks, copyrights, and inventions (collectively "Intellectual Property"), if any, developed in connection with this MOU will be the sole property of NUS. Institution expressly agrees that NUS is the owner of all intellectual property related to the Sanford Harmony Program, and Institution's use of such materials does not in any way transfer ownership of any material, concept, or other form of intellectual property to Institution. The unauthorized distribution of Sanford materials strictly prohibited.

4. Limitation of Liability. Limitation of Liability, except for obligations to make payment under this Contract, Liability for Indemnification, Liability for Breach of Confidentiality, or Liability for Infringement or Misappropriation of Intellectual Property Rights, in no event shall either Party or any of its Representatives be liable under this Contract to the other Party or any Third Party for Consequential, Indirect, Incidental, Special, Exemplary, Punitive, or Enhanced Damages, Lost Profits or Revenues or Diminution in Value arising out of, or relating to, and/or in connection with any Breach of this Contract, regardless of whether such damages were foreseeable, whether or not it was advised of the possibility of such damages and the legal or equitable theory (contract, tort, or otherwise) upon which the claim is based.

5. Indemnification. Each party shall indemnify, defend, and hold harmless the other party (including its employees, officers, directors and agents) from and against any and all claims, liabilities, damages, losses, costs, and expenses, including reasonable attorney's fees (collectively "Claims"), caused by such party's negligence or willful misconduct and arising out of this Agreement, except to the extent such Claims are attributable to the gross negligence or willful misconduct of the party seeking to be indemnified. Any damage or loss associated with the services or products being provided shall be borne by the party in possession of the property at the time the damage occurs.

6. Relationship of the Parties. The Parties agree that the terms of this Agreement do not constitute the formation of a legal partnership or joint venture. Neither party shall have authority to bind or obligate

the other party in any manner whatsoever, other than as explicitly stated herein.

7. Dispute Resolution. The Parties agree discuss in good faith and resolve any issues informally before utilizing any other legal remedies. If a resolution cannot be reached, Parties agree that any controversy, claim or dispute, whether based on contract, tort or statute under either State or federal law, arising out of or relating in any way to this MOU or any alleged breach, that the prevailing party will be entitled to recover reasonable and documented attorney's fees and costs expended or incurred relating to or arising out of the dispute.

8. Non-Discrimination. The Parties agree not to discriminate against any student or employee related to the performance of work under this MOU or the services because of race, color, religion, sex, ancestry, age, national origin or disability (as defined in The Americans with Disabilities Act of 1990, 42 USC 12101, et seq. and any regulation promulgated thereunder) or any other unlawful basis.

9. Legal Compliance. Both Parties shall comply with all federal, state, and local laws, regulations, and ordinances applicable to this project, including but not limited to the requirements of the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and its implementing regulations (34 C.F.R. part 99), the Children's Online Privacy Protection Act ("COPPA"), 15 U.S.C. § 6501-6505, and its implementing regulations (16 C.F.R. § 312, et seq.), the Protection of Pupil Rights Amendment, ("PPRA") 20 U.S.C, § 1232(h) and its implementing regulations (34 C.F.R. § 98.1 et seq.).

10. Entire understanding. This MOU contains the entire understanding between the Parties. Any previous understanding, agreements, representations or warranties relating to the subject matter of this MOU is hereby superseded and has no further effect.

11. Notice. All notices and statements to be given hereunder shall be sent to the respective Parties. Notice for NUS is the following: Dave C. Lawrence, 11355 North Torrey Pines Road, La Jolla, CA 92037; and notice for Institution will be as listed on page 1 of this MOU, unless otherwise notified. Any notice shall be sent by U.S. mail or equivalent method, with signature upon receipt to the extent possible.

12. Miscellaneous Provisions. This MOU: (a) shall be binding upon and inure to the benefit of and be enforceable by the Parties and their respective legal representatives, successors, or assigns; (b) headings are for reference only; (c) may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument; (d) electronic signatures may suffice; (e) will be construed and enforced in accordance with the laws in the State where Institution is located to the extent permitted by law; (f) any provision in this MOU found to be illegal or unenforceable will not invalidate the rest MOU; and (g) any amendments or modifications to this MOU can only be made by a signed written agreement between the Parties.

IN WITNESS WHEREOF, The Parties have executed this MOU as of the dates set forth below:

San Ysidro School District

NUS:

BY: _____
Marilyn Adrianzen,
Chief Business Official

BY: _____
Dave C. Lawrence, MBA, Ed.D.
Vice Chancellor, Finance

Date: _____

Date: _____

Board to Ratify: 12-19-19

**Sanford Harmony Representative
Contact Information:**

Name: _____

Email: _____

Phone: _____

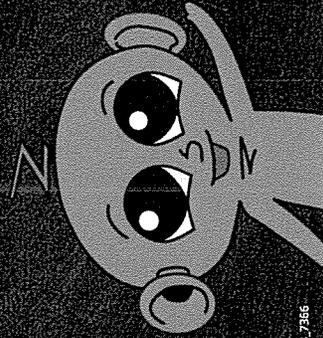
<p>SYSD Representative Contact Information:</p> <p>Name: Manuela Colom</p> <p>Email: Manuela.colom@sysdschools.org</p> <p>Phone: (619) 428-4476 x3027</p>	<p>SYSD Representative Contact Information:</p> <p>Name: Omar Calleros</p> <p>Email: omar.calleros@sysdschools.org</p> <p>Phone: (619) 428-4476 x3086</p>
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Why Harmony?

- CASEL SElect Program
- Teacher kits and training provided at **NO COST** through the generous support of T. Denny Sanford and National University
- Supportive online resources and modules available through our Harmony Online Professional Learning Library.
- Harmony strategies support Common Core State Standards, Restorative Justice Practices, and Positive Behavioral Interventions and Support

Sanford History

Sanford Harmony was developed and researched at the School of Family Dynamics at Arizona State University. Researchers identified that beginning in early childhood students can develop misconceptions about one another and often do not learn how to communicate effectively. Practical strategies were researched and designed to promote communication and connection in the classroom.



Together We Can Change the World

By helping children develop better relationship skills, Sanford Harmony:

- Builds positive classroom learning communities
- Puts the focus on teaching and learning
- Brings out the best in students
- Helps to reduce conflict in the classroom

Join the movement and help us change the world... one student, one teacher, one classroom at a time!

Contact Sanford Harmony to Get Started Today.



844.480.4500



sanfordharmony@nu.edu



sanfordharmony.org



Download the Sanford SEL App and Start Strengthening Classroom Communities Today!



sanfordharmony.org/ipad



sanfordharmony.org/android

iOS 8.0 or later and Android 4.1 and beyond are required for use. App is for tablets only.



SANFORD HARMONY™

AT NATIONAL UNIVERSITY

**Building Healthy Relationships
One Classroom at a Time...**



What Is Harmony?

Welcome to Sanford Harmony — a Pre-K - 6th grade social-emotional learning program that helps teachers cultivate strong classroom relationships between all students.

Harmony teacher kits include the everyday practices of Meet Up and Buddy Up and a set of thematic lessons, activities, storybooks and games that enhance discussions, decision-making, and problem solving.

"I've spent much of my career making sure children have the skills to be successful in life—for when they go to college, and in their future careers. What appealed to me about Harmony is that we teach social-emotional skills in a way that really completes the circle of student development and achievement."

-Scott Page, Director of Sanford Harmony at National University

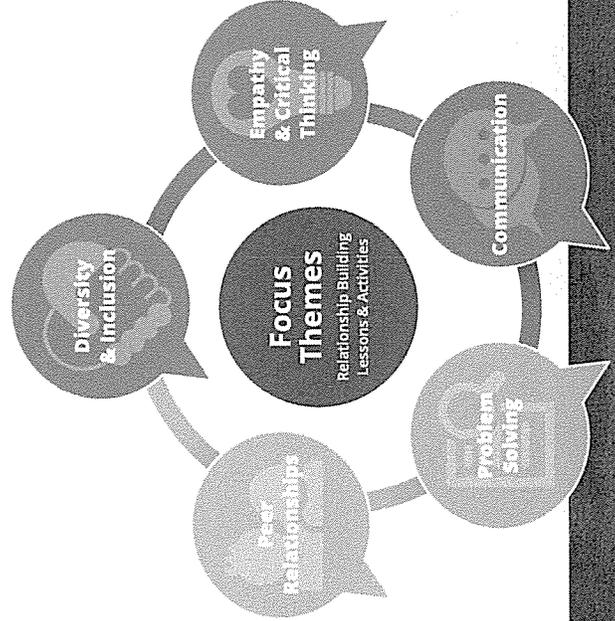


Designed with Teachers in Mind

Harmony is flexible and encourages you to use the materials in a way that meets the unique needs of your students and classroom.

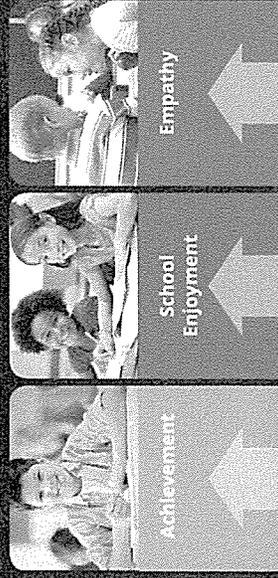
Meet Up and Buddy Up easily integrate with classroom curriculum. Meet Up engages students in discussions and encourages them to understand different perspectives and feelings of their peers. Through Buddy Up students collaborate on a variety of lessons and projects. Harmony lessons and activities:

- Bring diverse peers together
- Enhance communication skills
- Explore commonalities and differences
- Develop problem solving strategies for working cooperatively and resolving conflict
- Promote group identity and teamwork

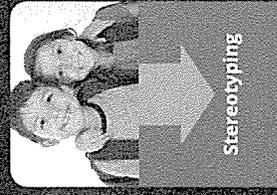


Supported by Research

Harmony was first introduced in schools in 2008. Initial research indicates positive results including results in student confidence, school enjoyment, academic achievement, and empathy while decreasing conflict, stereotyping, and aggressive behavior. Current studies to measure the efficacy of Harmony are being conducted across the country by the Sanford Education Center's Higher Education Collaborative.



STRONG IMPROVEMENT



SOLID DECREASE

Martin, Fabes, Hanish, Baertner, Miller, Foster, and Updegraff (2014)

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Human Resources
David Farkas, Executive Director

INITIAL: DF
 Informational
 Action

AGENDA ITEM: EARLY CHILDHOOD EDUCATION FIELDWORK SITE AGREEMENT
WITH BRANDMAN UNIVERSITY

BACKGROUND INFORMATION:

The San Ysidro School District will enter into an agreement with Brandman University to participate in a supervised fieldwork program to allow for the placement of Practicum Students in the Early Childhood Education Program.

RECOMMENDATION:

Approve the Early Childhood Education Fieldwork Site Agreement between San Ysidro School District and Brandman University.

LCAP GOAL AND ACTION/SERVICE (please indicate):

N/A

Renewal New Amendment Ratify Other

Business Services Reviewed: MW

Financial Implications?

Are funds for this item available in the 2019-2020 Budget?

Requisition #

Yes No

Yes No

N/A

(Amount)

N/A

(Name of funding source and/or location)

Recommended for: Approval Denial Certification Requested Yes No

Superintendent's Office Certification:



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

**EARLY CHILDHOOD EDUCATION FIELDWORK SITE AGREEMENT
(for Practicum Students)**

THIS AGREEMENT is made and entered into by and between Brandman University hereinafter called the "UNIVERSITY," and the San Ysidro School District, hereinafter called "FIELDWORK SITE."

I. RESPONSIBILITIES OF THE UNIVERSITY

- A. The UNIVERSITY will assure that the student shall have completed the necessary educational prerequisites to be eligible for fieldwork experience.
- B. The UNIVERSITY shall designate a faculty or staff member to consult and collaborate with the supervising professional of the FIELDWORK SITE, the observations and student fieldwork experience of each student at FIELDWORK SITE.
- C. The UNIVERSITY shall complete periodic observations and/or evaluations of the student regarding his/her performance at the FIELDWORK SITE as per arrangement between the UNIVERSITY and the FIELDWORK SITE.
- D. The UNIVERSITY may provide monetary compensation for services rendered by the FIELDWORK SITE supervisor professional in an amount not to exceed the actual cost of the services rendered by the FIELDWORK SITE per Appendix A.

II. RESPONSIBILITIES OF THE FIELDWORK SITE

- A. The FIELDWORK SITE shall provide field experiences in FIELDWORK SITE and under the direct supervision and instruction of such employees of the FIELDWORK SITE, as specified by the duly authorized representatives of the FIELDWORK SITE.
- B. The FIELDWORK SITE may, for good cause, refuse to accept for field experiences, or terminate the field experience assignment of any student of the UNIVERSITY assigned to the FIELDWORK SITE and shall notify the UNIVERSITY about its course of action. The UNIVERSITY may terminate the field experience assignment of any student of the UNIVERSITY at the FIELDWORK SITE at any time.
- C. The FIELDWORK SITE shall notify the UNIVERSITY of any change in its personnel, operation, or policies which may affect the field education experience/practicum.
- D. The FIELDWORK SITE shall comply with all federal, state and local statutes and regulations applicable to the operation of the program, including without limitation, laws relating to the confidentiality of student records.

III. THE PARTIES MUTUALLY AGREE

- A. Both parties acknowledge they are independent contractors, and nothing contained in this Agreement shall be deemed to create an agency, joint venture, franchise or partnership relation between the parties and neither party shall so hold itself out. Neither party shall have the right to obligate or bind the other party in any manner whatsoever, and nothing contained in this Agreement shall give or is intended to give any right of any kind to third persons.
- B. Any failure of a party to enforce that party's right under any provision of this Agreement shall not be construed or act as a waiver of said party's subsequent right to enforce any provisions contained herein.
- C. Notices required or permitted to be provided under this Agreement shall be in writing and shall be deemed to have been duly given if mailed first class to the parties that signed this Agreement and to the addresses below.

FIELDWORK SITE CONTACT INFORMATION:

San Ysidro School District
43500 Otay Mesa Rd.
San Ysidro, CA 92173
Attn: Human Resources
Phone: 619-428-4476

UNIVERSITY CONTACT INFORMATION:

Brandman University
16355 Laguna Canyon Road
Irvine, CA 92618
Attn: School of Education, Dean
Fax: (800) 775-0128

- D. The FIELDWORK SITE agrees to indemnify, hold harmless, and defend the UNIVERSITY, its agent and employees from and against all loss or expenses (including costs and attorney fees) resulting from liability imposed by law upon the UNIVERSITY because of bodily injury to or death of any person or on account of damages to property, including loss of use thereof, arising out of or in connection with this Agreement, and due or claimed to be due to the negligence of the FIELDWORK SITE, its agents, or employees.
- E. The UNIVERSITY agrees to indemnify, hold harmless, and defend the FIELDWORK SITE, its agents, and employees from and against all loss or expense (including costs and attorney fees) resulting from liability imposed by law upon the FIELDWORK SITE because of bodily injury to or death of any person or on account of damages to property, including loss of use thereof, arising out of or in connection with this Agreement and due or claimed to be due to the negligence of the UNIVERSITY, its agents, employees, or students.
- F. The parties agree that the students are considered learners who are fulfilling specific requirements for field experiences as part of a degree and/or credential requirement. Therefore, regardless of the nature or extent of the acts performed by them, students are not to be considered employees or agents of either the UNIVERSITY or the FIELDWORK SITE for any purpose including Workers' Compensation or any other employee benefit programs. The students shall not be entitled to any monetary remuneration for services performed by them in the course of their training.
- G. The parties mutually agree each shall provide and maintain commercial general liability insurance acceptable to both parties in the minimum amounts of \$1,000,000 per occurrence, \$3,000,000 general aggregate and upon request shall furnish proof thereof in the form of a certificate of insurance. Each certificate of insurance shall specify that should the above described policy be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Appendix A
Payment for Supervisors at Fieldwork Site

SPECIAL PROVISIONS – RATES and PAYMENTS

- (a) \$50 for the supervising professional stipend per eight (8) week session of observation. Requires a total of 35 supervised contact hours for the student

METHOD OF PAYMENT: Stipend is to be paid directly to the supervisor professional at Fieldwork Site.

In the event the assignment of a UNIVERSITY student is terminated by the UNIVERSITY and/or the FIELDWORK SITE for any reason after the student has been at the assignment for a minimum of two weeks, Supervisor at the FIELDWORK SITE shall receive payment for one assignment on account of each student as though there had been no termination of the assignment.

At the end of the practicum session of the UNIVERSITY, the supervisor professional at the FIELDWORK SITE shall submit an invoice, by email, to the UNIVERSITY for payment at the rate provided therein for all field experiences provided by the FIELDWORK SITE under and in accordance with this agreement during said session.

**SAN YSIDRO SCHOOL DISTRICT
GOVERNING BOARD AGENDA**

TO: Governing Board

BOARD MEETING DATE: December 19, 2019

VIA: Gina A. Potter, Ed.D.
Superintendent

FROM:
Special Education
Oscar Madera, Director

INITIAL: 
 Informational
 Action

AGENDA ITEM: SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT WITH
ASELTINE SCHOOL FOR 2019-2020 SCHOOL YEAR (ADDENDUM)

BACKGROUND INFORMATION:

California's nonpublic schools (NPS) are specialized schools that provide services to public school students with disabilities. EC Section 56034 defines a nonpublic, nonsectarian school (nonreligious) as a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program. The tuition of a student in an NPS is paid by the public LEA that places the student in the NPS based on the student's individual needs. Unlike other private schools, each NPS is certified by the CDE.

On July 11, 2019, the Governing Board approved the 2019-20 Master Contract with Aseltine School. This Addendum is to include individual services for a student with special needs who attended Aseltine School during the Extended School Year (ESY) 2019.

RECOMMENDATION:

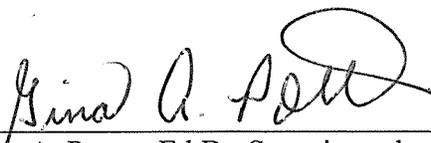
Approve/Ratify the Addendum to the San Diego County Nonpublic Master Contract with Aseltine School to include services during the Extended School Year 2019 for a student with special needs in an amount of \$3,553.22. The new contract total increased from \$46,471.96 to \$50,025.18 from the Special Education fund.

LCAP GOAL AND ACTION/SERVICE:

Goal 1, Item 1.21: Continue to provide site and/or district based academic intervention programs to serve the districts subgroups (i.e. English Learners, Low Income, Students with Disabilities, etc...) and educationally disadvantaged students in program improvement schools. Personnel (e.g. instructional aides) may be hired to support in-class interventions for all student subgroups and educationally disadvantaged students at all school sites.

<input type="checkbox"/> Renewal	<input type="checkbox"/> New	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Ratify	<input type="checkbox"/> Other	Business Services Reviewed: 
Financial Implications?	Are funds for this item available in the 2019-2020 Budget?			Requisition #	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
<div style="border: 1px solid black; padding: 2px; display: inline-block;">\$3,553.22 (Amount)</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Special Education (Name of funding source and/or location)</div>				

Recommended for: Approval Denial Certification Requested Yes No
Superintendent's Office Certification



Gina A. Potter, Ed.D., Superintendent
Secretary to the Board

INDIVIDUAL SERVICES AGREEMENT FOR NONPUBLIC AGENCY SERVICES

(Education Code Sections 56365 et seq.)

**(FOR USE WITH SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT APPENDIX A: SCHOOLS)
2019-2020**

This agreement is effective on 07/01/19 or the date student begins attending a nonpublic school or receiving services from a nonpublic agency, if after the date identified, and terminates at 5:00 P.M. on June 30, 2020, unless sooner terminated as provided in the Master Contract and by applicable law.

Local Education Agency San Ysidro School District Nonpublic School Aselline School

LEA Case Manager: Name Oscar Madera Phone Number 619-428-4476 x3091

Pupil Name _____ Sex: M F Grade: _____
(Last) (First) (M.I.)

Address _____ City _____ State/Zip _____

DOB _____ Residential Setting: Home Foster LCI # _____ OTHER _____

Parent/Guardian _____ Phone (619) _____ (_____) _____
(Residence) (Business)

Address _____ City _____ State/Zip _____
(If different from student)

AGREEMENT TERMS:

1. *Nonpublic School:* The average number of minutes in the instructional day will be: 360 during the regular school year
240 during the extended school year
2. *Nonpublic School:* The number of school days in the calendar of the school year are: 180 during the regular school year
30 during the extended school year

3. *Educational services as specified in the IEP shall be provided by the CONTRACTOR and paid at the rates specified below.*

A. **INCLUSIVE EDUCATION PROGRAM:** (Applies to nonpublic schools only): Daily Rate: \$218.02
(Includes Educational Counseling (not ed related mental health) services, Speech & Language services, Behavior Intervention Planning, and Occupational Therapy as specified on the student's IEP.)

Estimated Number of Days 11 x Daily Rate \$218.02 = PROJECTED BASIC EDUCATION COSTS (A) \$2,398.22

B. RELATED SERVICES:

SERVICE	Provider			# of Times per wk/mo/yr., Duration; or per IEP; or as needed	Cost per session	Maximum Number of Sessions	Estimated Maximum Total Cost for Contracted Period
	LEA	NPS	OTHER Specify				
Intensive Individual Services (340)		X		1500 min/wk OR 5 hrs/day	21.00 per hour	55 hours	\$1,155.00
Individual and Small Group Instruction (350) (Ages 3-5 only)							
Language and Speech (415)		X		Per IEP	INCLUDED		INCLUDED
Adapted Physical Ed. (425)							
Adapted Physical Ed. - Assessment (425)							
Health and Nursing: Specialized Physical Health Care - LVN (435)							
Health and Nursing: Specialized Physical Health Care - RN (435)							
Health and Nursing: Specialized Physical Health Care - CRN (435)							

INDIVIDUAL SERVICES AGREEMENT FOR NONPUBLIC AGENCY SERVICES

(Education Code Sections 56365 et seq.)

(FOR USE WITH SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT APPENDIX A: SCHOOLS)
2019-2020

SERVICE	Provider			# of Times per wk/mofyr., Duration; or per IEP; or as needed	Cost per session	Maximum Number of Sessions	Estimated Maximum Total Cost for Contracted Period
	LEA	NPS	OTHER Specify				
Health and Nursing Services: Other - LVN (436)	X			Per IEP		11	
Health and Nursing Services: Other - RN (436)							
Health and Nursing Services: Other - CRN (436)							
Health and Nursing Services: Other - Health Aide/CNA (436)							
Assistive Technology Services - Credentialed (445)							
Assistive Technology Services - Classified (445)							
Assistive Technology Services - Assessment (445)							
Occupational Therapy (450)		X		Per IEP	INCLUDED		INCLUDED
Physical Therapy (460)							
Physical Therapy - PT Assistant (460)							
Physical Therapy - Assessment (460)							
Individual Counseling (510)	X			Per IEP		Per IEP	
Counseling and Guidance (515)		X		Per IEP	INCLUDED		INCLUDED
Parent Counseling (520)							
Social Work Services (525)							
Psychological Services (530)							
Behavior Intervention Services (535)		X			INCLUDED		INCLUDED
Specialized Services for Low Incidence Disabilities (610)							
Specialized Services for Low Incidence Disabilities - Assessment (610)							
Specialized Deaf and Hard of Hearing Services (710)							
Specialized Deaf and Hard of Hearing Services - Assessment (710)							

INDIVIDUAL SERVICES AGREEMENT FOR NONPUBLIC AGENCY SERVICES

(Education Code Sections 56365 et seq.)

(FOR USE WITH SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT APPENDIX A: SCHOOLS)
2019-2020

SERVICE	Provider			# of Times per wk/mo/yr., Duration; or per IEP; or as needed	Cost per session	Maximum Number of Sessions	Estimated Maximum Total Cost for Contracted Period
	LEA	NPS	OTHER Specify				
Interpreter Services (715)							
Interpreter Services – Shift Differential (715)							
Audiological Services (720)							
Audiological Services Assessment (720)							
Specialized Vision Services (725)							
Specialized Vision Services Assessment (725)							
Orientation and Mobility (730)							
Orientation and Mobility Assessment (730)							
Braille Transcription (735)							
Specialized Orthopedic Service (740)							
Specialized Orthopedic Service Assessment (740)							
Reader Services (745)							
Note Taking Services (750)							
Transcription Services (755)							
Recreation Services, Including Therapeutic (760)							
College Awareness Preparation (820)							
Vocational Assessment, Counseling, Guidance and Career Assessment (830)							
Career Awareness (840)							
Work Experience Education (850)							
Job Coaching (855)							
Mentoring (860)							

INDIVIDUAL SERVICES AGREEMENT FOR NONPUBLIC AGENCY SERVICES

(Education Code Sections 56365 et seq.)

(FOR USE WITH SAN DIEGO COUNTY NONPUBLIC MASTER CONTRACT APPENDIX A: SCHOOLS)
2019-2020

SERVICE	Provider			# of Times per wk/mo/yr., Duration; or per IEP; or as needed	Cost per session	Maximum Number of Sessions	Estimated Maximum Total Cost for Contracted Period
	LEA	NPS	OTHER Specify				
Agency Linkages (referral and placement) (865)							
Travel Training (870)							
Other Transition Services (890)							
Other (900) Music Therapy							
Other (900) Vision Therapy							
Transportation-Emergency							
Bus Passes							

ESTIMATED MAXIMUM RELATED SERVICES COST (C)\$ \$1,155.00

4. Other Provisions/Attachments:

MASTER CONTRACT APPROVED BY THE GOVERNING BOARD ON 07/11/19

INDIVIDUAL SERVICES AGREEMENT APPROVED BY CASE MANAGER:

(Signature) _____
(Date)

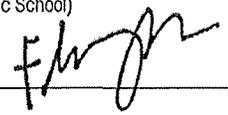
The parties herelo have executed this Individual Services Agreement by and through their duly authorized agents or representatives as set forth below.

-CONTRACTOR-

-DISTRICT-

Aseltine School
(Name of Nonpublic School)

San Ysidro School District
(Name of School District)


(Signature) 12/3/19
(Date)

(Signature) _____
(Date)

Florida May Padilla, Executive Director
(Name and Title)

Marilyn Adrianzen, Chief Business Official
(Name of Superintendent or Authorized Designee)