

ORCUTT UNION SCHOOL DISTRICT

Regular Meeting of the Board of Trustees

Wednesday, May 10, 2023

District Office Board Room

500 Dyer St., Orcutt, CA 93455

Open Session at 6:00 p.m. (for purposes of opening meeting only)

Closed Session at 6:05 p.m.

Reconvene in Open Session at approximately 6:45 p.m.

I. OPEN SESSION 6:00 PM

A. Call Meeting to Order

B. Pledge of Allegiance

C. Adoption of the May 10, 2023 Agenda

Moved _____ Second _____ Vote _____

D. Identify Closed Session Topics: the Board will adjourn to Closed Session to address the items listed under III. A-G below.

II. PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS

General public comment on any closed session item will be heard. Speakers are allowed a maximum of three (3) minutes to address the Board on any closed session items in accordance with the Brown Act. The Board will limit any response to public comments to brief statements, referral to staff, or referral to a future board meeting. The Board may limit comments to no more than 30 minutes pursuant to Board Policy.

A. Motion to Adjourn to Closed Session

Moved _____ Second _____ Vote _____

III. ADJOURN TO CLOSED SESSION

A. Conference with Legal Counsel Regarding Existing Litigation pursuant to California Government Code section 54956.9(d)(1): 6 Cases

B. Conference with Legal Counsel Regarding Anticipated Litigation.

1. Significant exposure to litigation pursuant to California Government Code, section 54956.9(2) or (3) Student v. School District: Case No. 22-55632; D.C No. 2:21-cv-02023-RGK-MAA

C. Conference with Labor Negotiator. Agency representative, Susan Salucci, Assistant Superintendent of Human Resources. Employee Organization: Orcutt Educators Association; California School Employees Association.

D. Conference with Labor Negotiator. Agency representative: Dr. Holly Edds, Superintendent. Employee Organization: Unrepresented employees

E. Conference with Labor Negotiator. Agency representative, Board President. Unrepresented employee: Superintendent

F. Public Employee Discipline/Dismissal/Release/Complaint

G. Public Employee Evaluation of Performance

H. Student Discipline or Other Confidential Student Matters

IV. RECONVENE TO PUBLIC SESSION 6:45 PM

A. Motion to Reconvene to Public Session
Moved _____ Second _____ Vote _____

B. Report of Action Taken in Closed Session

V. COMMUNICATIONS/DISCUSSION/INFORMATION

- A. Reports and Presentations
 - 1. OAHS ASB Update
 - 2. Special Recognition
- B. Items from the Board
- C. Written Communication: review and discuss communication from individuals and/or organizations regarding the District's programs and services.

VI. PUBLIC COMMENT PERIOD

The Board of Trustees welcomes comments about items appearing on tonight's agenda. The audience members wishing to address the Board during the Public Comment segment of the agenda are reminded to fill out a *Public Comment Form*, which can be obtained from Julie Payne and submitted prior to the time the presiding officer calls for Public Comment. Requests to speak can also be emailed to Julie Payne at jpayne@orcutt-schools.net and state that you want to make a public comment and indicate what agenda item you would like to speak about.

A maximum of thirty (30) minutes is set aside for Public Comment; speakers are allowed a maximum of three (3) minutes to address the Board on any item on tonight's agenda in accordance with the Brown Act. The Board will limit any response to public comment to brief statements, referral to staff, or referral to a future board meeting.

VII. CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine and are acted on by the Board of Trustees in one motion. There is no discussion of these items before the Board vote unless requested because the Board receives Board agenda backup information ahead of scheduled meetings. It is understood that the Administration recommends approval on all Consent Items. Each item on the Consent Calendar approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

- A. Classified Personnel Action Report
- B. Hiring of Additional District Coaches for the 2022-2023 School Year
- C. Certificated Personnel Action Report
- D. Approval of April 5, 2023 Regular Board Meeting Minutes
- E. Approvals of Warrants
- F. Board Bylaw 9270 Conflict of Interest, for the second reading
- G. Board Bylaw 9320 Meeting and Notices, for the second reading

- H. Board Policy 0420.4 Charter School Authorization, for the second reading
 - I. Board Policy 6146.1 High School Graduation Requirements, for the second reading
 - J. Board Policy 6173 Education for Homeless Children, for the second reading
 - K. Board Policy 6173.1 Education for Foster Youth, for the second reading
 - L. Board Policy 6177 Summer Learning Programs, for the second reading
 - M. Los Olivos Interdistrict Attendance Agreement
- It is recommended that the Board of Trustees approve the Consent Agenda Items A-M, as submitted.
- Moved _____ Second _____ Vote _____

VIII. ITEMS SCHEDULED FOR ACTION

A. GENERAL

1. Acceptance of Donations

The following donations have been offered to the District:

- A. **From: CoastHills Credit Union:** a donation of \$250 to help cover the cost of the North County Mathematics Superbowl.
- B. **From: Ricky’s House of Pizza:** a donation of \$660.40 for Outdoor School at Alice Shaw Elementary.
- C. **From: Kristen Riede:** a donation of \$243 for Outdoor School at Alice Shaw Elementary.
- D. **From: Bob Gnibus:** a donation of seven (7) STEM Activity Building Kits with an estimated value of \$300 to the Campus Connection Child Care Program.

It is recommended that the donations be accepted and letters of appreciation be sent to the donors.

Moved _____ Second _____ Vote _____

2. Measure G Citizens’ Oversight Committee Annual Report for 2021-2022 Fiscal Year

It is recommended that the Board of Trustees approve the Citizens’ Oversight Committee Annual Report for the 2021-2022 Fiscal Year, as submitted.

Moved _____ Second _____ Vote _____

B. BUSINESS SERVICES

1. Board Policy 3555 Nutrition Program Compliance

It is recommended that the Board of Trustee approve the revised Board Policy 3555 Nutrition Program Compliance, for the first reading and that it be placed on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

2. Board Policy 5030 Student Wellness

It is recommended that the Board of Trustee approve the revised Board Policy 5030 Student Wellness, for the first reading and that it be placed on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

3. Resolution No.18: Request for a Waiver of Attendance Due to Emergency Conditions, District and Charter
It is recommended that the Board of Trustees adopt Resolution No. 18 Request for a Waiver of Attendance Due to Emergency Conditions for the District and Charter, as submitted.
Moved _____ Second _____ Vote _____
4. Resolution No. 20: Request for a Waiver of Attendance Due to Emergency Conditions, Early Learning Center (ELC)
It is recommended that the Board of Trustees adopt Resolution No 20 Request for a Waiver of Attendance Due to Emergency Conditions for the ELC, as submitted.
Moved _____ Second _____ Vote _____
5. Resolution No. 19: Relocation of the Orcutt Union School District-Early Learning Center
It is recommended that the Board of Trustees adopt Resolution No. 19 Relocation of the Orcutt Union School District-Early Learning Center, as submitted.
Moved _____ Second _____ Vote _____
6. Approve the Sale or Disposal of Books, Equipment and Supplies
It is recommended that the Board of Trustees approve the sale and disposal of books, equipment and supplies, as submitted.
Moved _____ Second _____ Vote _____
7. Out-of-State Travel for the Director of Child Nutrition
It is recommended that the Board of Trustees approve the Out-of-State Travel for the Director of Child Nutrition, Bethany Markee, to attend the School Nutrition Association’s Annual National Conference in Denver, Colorado, July 9-11, 2023, as submitted.
Moved _____ Second _____ Vote _____
8. Award of CUPPCCA Bid for Pine Grove Emergency Asphalt Paving Repair
It is recommended that the Board of Trustees approve the CUPPCCA bid to RDZ Contractors, Inc. for \$19,627.44 as they were the lowest, responsive, and responsible bidder.
Moved _____ Second _____ Vote _____

C. EDUCATION SERVICES

1. Information Only:
SEE Learning Curriculum Adoption for Social/Emotional Learning

2. SEE Learning Adoption for Orcutt Union School District
 It is recommended that the Board of Trustees adopt the SEE Learning as the Orcutt Union School District’s curriculum for social/emotional learning for the 2023-2024 school year and beyond, as submitted.
 Moved _____ Second _____ Vote _____

D. HUMAN RESOURCES

1. **Public Hearing:**

Initial Collective Bargaining Proposal with Orcutt Educators Association (OEA) for the 2023-2024 School Year

2. Adopt the District’s Initial Collective Bargaining Proposal with Orcutt Educators Association for the 2023-2024 School Year
 It is recommended that the Board of Trustees adopt the District’s Collective Bargaining Proposal with Orcutt Educators Association for the 2023-2024 school year, as submitted.
 Moved _____ Second _____ Vote _____

3. Accept 2023-2024 Initial Collective Bargaining Proposal from Orcutt Educators Association
 It is recommended that the Board of Trustees accept the initial proposal for negotiations for the 2023-2024 school year from Orcutt Educators Association, as submitted.
 Moved _____ Second _____ Vote _____

4. Resolution No. 16: Declaration of Need for Orcutt Union School District for Fully Qualified Educators
 It is recommended that the Board of Trustees adopt Resolution No. 16, Declaration of Need for the Orcutt Union School District for Fully Qualified Educators, as submitted.
 Moved _____ Second _____ Vote _____

5. Resolution No. 17: Declaration of Need for Orcutt Academy Charter Schools for Fully Qualified Educators
 It is recommended that the Board of Trustees adopt Resolution No. 17, Declaration of Need for Orcutt Academy Charter Schools, as submitted.
 Moved _____ Second _____ Vote _____

6. Orcutt Union School District and the University of Massachusetts Global Supervised Internship Agreement
 It is recommended that the Board of Trustees approve the University of Massachusetts Global Supervised Internship Agreement for the School of Education for Single Subject, Multiple Subjects, and Special Education and the School of Psychology and School Counseling programs with the Orcutt Union School District, as submitted.
 Moved _____ Second _____ Vote _____

7. Orcutt Union School District and Los Angeles Pacific University Agreement for Student Teacher Education Filed Experience
 It is recommended that the Board of Trustees approve the Los Angeles Pacific University Teacher Agreement for Student Teacher Education Field Experience with the Orcutt Union School District, as submitted.
 Moved _____ Second _____ Vote _____

8. Board Policy 4030 Nondiscrimination in Employment
 It is recommended that the Board of Trustees approve the revised Board Policy 4030 Nondiscrimination in Employment, for the first reading and that it be placed on the next Consent Agenda for the second reading.
 Moved _____ Second _____ Vote _____

9. Ratification of Addendum Number 5 to the Employment Agreement with Dr. Holly Edds, Superintendent
 It is recommended that the Board of Trustees ratify Addendum Number 5 to the Employment Agreement with Dr. Holly Edds, Superintendent, as submitted.
 Moved _____ Second _____ Vote _____

IX. GENERAL ANNOUNCEMENTS

- A. Unless otherwise noticed, the next regular Board meeting is scheduled for June 7, 2023 beginning with Closed Session at 6:05 p.m., Open Session at approximately 6:30 p.m. in the District Office Board Room, 500 Dyer St., Orcutt, CA 93455.

X. ADJOURN TO CLOSED SESSION (If Needed)

- A. Motion to Adjourn to Closed Session
 Moved _____ Second _____ Vote _____
- B. Closed Session items described in Item III. Above

XI. RECONVENE TO OPEN SESSION (If Needed)

- A. Motion to Reconvene to Open Session
 Moved _____ Second _____ Vote _____
- B. Report of Action Taken in Closed Session

XII. ADJOURN

- A. Motion to Adjourn the Meeting
 Moved _____ Second _____ Vote _____

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including language interpretation services please contact the Superintendent's Office at (805) 938-8907. Notification 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to this meeting. All documents related to the open session agenda are available for review 72 hours prior to the meeting at the Orcutt Union School District Office, 500 Dyer Street, Orcutt, CA.



Orcutt Union School District
Classified Personnel Action Report
May 10, 2023

TO: Holly Edds, Ed.D.

FROM: Susan Salucci, Assistant Superintendent/Human Resources

RE: Recommendations for Board Approval

Name	Site/Dept.	Classification	Step/ Range	Hours	Rate of Pay	Effective	Action/Information
Beas, Brittany	Olga Reed	Instructional Assistant, 1	12/2	3.5	\$18.76 per hr.	04/28/2023 – 06/07/2023	Request unpaid leave of absence
Bressem, Mark	Transportation	Bus Driver	19/6	5.0	\$27.10 per hr.	04/03/2023 – 06/07/2023	Request unpaid leave of absence
Calderon, Natalie	Dunlap	Instructional Assistant, 1	12/1	3.5	\$17.87 per hr.	03/30/2023	New hire
Calderon, Natalie	Dunlap	Instructional Assistant, 1	12/1	3.5	\$17.87 per hr.	04/18/2023	Resignation
Carey, Dalila	Nightingale	Instructional Assistant, 1	12/5	3.5	\$21.72 per hr.	06/30/2023	Resignation
Carlson, Anastasia	Dunlap	Instructional Assistant, 1	12/4	3.5	\$20.68 per hr.	04/14/2023	Resignation
Carroll, Christie	Pine Grove	Instructional Assistant, 1	12/3	3.5	\$19.70 per hr.	04/17/2023	Resignation
Cerrillo, Amanda	Dunlap	Instructional Assistant	8/6	3.75	\$20.66 per hr./\$1,000 per yr. - prorated	04/17/2023	New hire Educational Stipend – Bachelor's
Martin, Victoria	Orcutt JH	Instructional Assistant, 2	13/5	3.5	\$22.26 per hr.	06/07/2023	Resignation
Mason, Jennifer	Nightingale	Child Nutrition Worker	8/3	3.0	\$17.84 per hr.	04/01/2023	Increase in hours
Morales, Beatriz	Campus Connection, Dunlap	Child Care Assistant	8/5	3.25	\$19.68 per hr.	04/03/2023	New hire
Oropeza, Savannah	Campus Connection, Dunlap	Child Care Assistant	8/2	3.25	\$17.00 per hr.	04/01/2023	Reinstate
Peevy, Jennifer	Olga Reed	ASES Homework Coach	8/5	2.0	\$19.68 & \$1,000 per yr. - prorated	05/01/2023	New hire Educational stipend – Bachelor's
Perez, Victor	Operations	Utility Worker, Substitute	18/1		\$20.72 per hr.	03/10/2023	New hire, Substitute



Orcutt Union School District
Classified Personnel Action Report
May 10, 2023

TO: Holly Edds, Ed.D.

FROM: Susan Salucci, Assistant Superintendent/Human Resources

RE: Recommendations for Board Approval

Name	Site/Dept.	Classification	Step/ Range	Hours	Rate of Pay	Effective	Action/Information
Prater, Sharon	Child Nutrition	Child Nutrition Worker	8/2	3.0	\$17.00 per hr.	05/02/2023	New hire
Regnier, Renee	Campus Connection, Dunlap	Child Care Assistant	8/1	1.5	\$16.50 per hr.	03/22/2023	Resignation
Rivera, Joanna	Transportation	Bus Attendant	11/2	4.0	\$18.30 per hr.	04/01/2023	New hire (from sub)
Robles, Jennifer	District	Noon Duty Supervisor, Instructional Assistant 1 & 2, Substitute	7/1 12/1 13/1		\$16.50 \$17.87 \$18.32 per hr.	03/14/2023	New hire, Substitute
Sepulveda, Elisa	Alice Shaw	Noon Duty Supervisor	7/3	1.75	\$17.41 per hr.	04/03/2023	Additional position
Smith, Lanette	Alice Shaw	Instructional Assistant	8/6	3.75	\$20.66 per hr.	06/07/2023	Resignation
Stowe, Denise	Alice Shaw	Child Nutrition Cook	10/6	6.5	\$21.70 per hr.	04/01/2023	Increase in hours
Tosches, Marc	Dunlap	Noon Duty Supervisor	7/6	2.0	\$20.16 per hr.	05/01/2023	Reinstate
Urquhart, Kristina	Health Services	Licensed Vocational Nurse	27/6	6.0	\$33.02 per hr.	01/01/2024 – 01/01/2025	Request unpaid leave of absence
Valencia, Michelle	Early Learning Center	Preschool Instructor	20/6	8.0	\$1,000 per yr.	04/01/2023	Educational Stipend – Bachelor's
Wasylychyn, Stephanie	Dunlap	Instructional Assistant 1	12/6	6.0	\$22.80 per hr.	04/21/2023 – 06/07/2023	Request unpaid leave of absence
Wise, Michelle	Dunlap	Office Assistant	15/3	6.0	\$21.21 per hr.	04/05/2023	New hire
Emp. # 4						07/14/2023	Request Early Retirement Incentive Program
Emp. # 326						03/30/2023	Retirement



Orcutt Union School District
Classified Personnel Action Report
May 10, 2023

TO: Holly Edds, Ed.D.
FROM: Susan Salucci, Assistant Superintendent/Human Resources
RE: Recommendations for Board Approval

Name	Site/Dept.	Classification	Step/ Range	Hours	Rate of Pay	Effective	Action/Information
Emp. # 819						06/07/2023	Retirement

ORCUTT UNION SCHOOL DISTRICT

TO: Dr. Holly Edds
District Superintendent

FROM: Susan Salucci
Assistant Superintendent of Human Resources

DATE: May 10, 2023

RE: ***NOTIFICATION TO BOARD – HIRING OF ORCUTT UNION SCHOOL COACHES FOR 2022-23 SCHOOL YEAR***

Lakeview Jr. High:

Soccer, Boy's	Cory Snow (co-coach)
Track	Patrick Potter

Orcutt Jr. High:

Track	Patrick Potter
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*Volunteer coaches are required to submit the same paperwork as paid positions and meet the State Certification requirements. They are no longer required to hold an ASCC certificate from the CTC but instead submit fingerprints to FBI and DOJ for background checks reportable to the Orcutt Union School District



Orcutt Union School District
 Certificated Personnel Action Report
 May 10, 2023

TO: Dr. Holly Edds, Superintendent

FROM: Susan Salucci, Assistant Superintendent / Human Resources

RE: Recommendations for Board Approval and Ratification

NAME	SCHOOL	CLASS/STEP	SALARY	EFFECTIVE DATE	ACTION INFORMATION
Anglim, Simone	Alice Shaw	IV-3	\$64,063	2023-24	Approval of Temporary Contract
Bertoldi, Janet	District	Daily	\$300	3/16-3/31/23	Sub Administrator, 2 days
Brickey, April	District	Hourly	\$28	3/1-3/31/23	Proctor, 75 hrs
Carlotti, Analise	District	Extra Duty	\$45/hr	3/2-3/17/23	Campus Connection/After School Teacher, 10 hrs
Connolly, Olivia	Patterson Road	III-1	\$57,262	2023-24	Approval of Temporary Contract
Cornwell, Karen	District	Hourly	\$28	3/1-3/28/23	Proctor, 52 hrs
Craft, Cheri	Ralph Dunlap	Stipend	\$211 *	2022-23	Math Bowl Advisor, shared
Daniels, Michele	District	Hourly	\$30	3/1-3/20/23	Home & Hospital, 14.5 hrs
Doerksen, Allie	District	Extra Duty	\$45/hr	3/1-3/31/23	Campus Connection/After School Teacher, 28 hrs
Dubransky, David	Alice Shaw	VI-20	\$115,595	2023-24	Approval of Temporary Contract
Duft, Jamie	Ralph Dunlap	Stipend	\$211 *	2022-23	Math Bowl Advisor, shared
Edds, John	District	Hourly	\$28	3/6-3/31/23	Proctor, 46.75 hrs
Emp# 162				12/16/2023	Request to Participate in Early Retirement Program
Emp# 2039				6/30/2023	Resignation
Frederiksen, Cherie	Undetermined	II-4	\$60,360	2023-24	Approval of Temporary Contract
Garcia, Leslie	Ralph Dunlap	V-1 Stipend	\$62,812 \$1,174	2023-24	Approval of Temporary Contract BCLAD
Garza, Linda	District	Hourly	\$50	1/17-3/2/23	Intern Support / Mentor, 6 hrs
Hough, Roberta	District	Hourly	\$50	3/1-3/31/23	New Teacher Support, 64 hrs
Kozel, Aaron	District	Extra Duty	\$45/hr	3/1-3/31/23	Campus Connection/After School Teacher, 17.25 hrs
Lear, Jamie	District	Extra Duty	\$45/hr	3/3-3/14/23	Campus Connection/After School Teacher, 5 hrs

*To be prorated

NAME	SCHOOL	CLASS/STEP	SALARY	EFFECTIVE DATE	ACTION INFORMATION
Mahoney, Gloria	District	Hourly	\$28	2/6-3/13/23	Proctor, 23 hrs
Martinez, Jisela	Alice Shaw	VI-13	\$97,847	2023-24	Approval of Temporary Contract
Morris, Sheri	District	Extra Duty	\$45/hr	3/7-3/28/23 2/27-3/23/23	Foster Student Tutor, 3.5 hrs Home & Hospital, 24 hrs
Musick, Christin	District	Extra Duty	\$45/hr	3/2-3/21/23	Campus Connection/After School Teacher, 8.75 hrs
Norling, Michaela	District	Hourly	\$45/hr	3/14-3/24/23	Home & Hospital, 6 hrs
Pawley, Lise	District	Extra Duty	\$45/hr	3/7-3/28/23	Homeless Student Tutor, 2 hrs
Potter, Patrick	Lakeview JHS / Orcutt JHS	Stipend	\$1,174	2022-23	Track Coach, 2 teams
Ramirez-Perez, Fatima	Alice Shaw	III-1 Stipend	\$57,262 \$1,174	2023-24	Approval of Temporary Contract BCLAD
Riezebos, Devin	District	Extra Duty	\$45/hr	3/1-3/30/23	Campus Connection/After School Teacher, 27 hrs
Ritchie, Kimberley	Ralph Dunlap	II-7	\$113,551*	4/22-6/7/23 2023-24	Approval of Part-Time Contract Submitted Units for Movement
Salvesen, Kris	District	Hourly	\$28	3/6-3/31/23	Proctor, 83 hrs
Saylor, Jennifer	District	Extra Duty	\$45/hr	3/14-3/22/23	Home & Hospital, 3.5 hrs
Schmidt, Shannon	Joe Nightingale	IV-10	\$80,733*	2023-24	Verified Additional Years of Service
Shuffield, Jamie	District	Extra Duty	\$45/hr	3/1-3/31/23	Campus Connection/After School Teacher, 21.25 hrs
Snow, Cory	Lakeview JHS	Stipend	\$1,483*	2022-23	JHS Soccer Coach, shared
Stanley, Meghann	Ralph Dunlap	I-1	\$53,150	2023-24	Approval of Temporary Contract
Thompson, Linda	District	Hourly	\$28	3/1-3/31/23	Proctor, 57.25 hrs
Winkelpleck, Dustin	District	Extra Duty	\$45/hr	3/7-3/27/23	Campus Connection/After School Teacher, 6.25 hrs
Wogahn, Alyssa	District	Extra Duty	\$45/hr	3/6-3/31/23	Campus Connection/After School Teacher, 15 hrs
Woodham, Tracy	Orcutt JHS	IV-16	\$92,167*	5/15-6/7/23	Request Unpaid Leave of Absence
York, Sarah	District	Extra Duty	\$45/hr	3/1-3/31/23	Campus Connection/After School Teacher, 20.25 hrs
Zepeda, Maria	Alice Shaw	III-1 Stipend	\$57,262 \$1,174	2023-24	Approval of Temporary Contract BCLAD
Zich, Matthew	Lakeview JHS	Stipend	\$1,483*	2022-23	JHS Soccer Coach, shared

*To be prorated

**Orcutt Union School District
Board of Trustees
Regular Meeting Minutes
April 5, 2023**

CALL TO ORDER

A regular meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, April 5, 2023, in the District Board Room, beginning with Shaun Henderson calling Public Session to order at 6:00 p.m. The Pledge of Allegiance was led by Lisa Morinini. It was moved by Liz Phillips seconded by Melanie Waffle to adopt the April 5, 2023 agenda. Members Present: Henderson, Morinini, Phillips, and Waffle. Absent Members: Steller Administrators Present: Edds, Salucci, and Dana. Absent Administrators: Knight

CLOSED SESSION PUBLIC COMMENTS

None

ADJOURN TO CLOSED SESSION

It was moved by Melanie Waffle seconded by Lisa Morinini and carried to adjourn to Closed Session at 6:01 p.m. Ayes: Henderson, Morinini, Phillips, and Waffle.

RECONVENE TO PUBLIC SESSION

It was moved by Melanie Waffle seconded by Lisa Morinini and carried reconvene to Public Session at 7:00 p.m. Shaun Henderson reported that no action was taken during Closed Session.

SUPERINTENDENT'S REPORT

The Board recognized the Joe Nightingale Mathletes who took 3rd place overall in the Northern Santa Barbara County Math Super Bowl and the Joe Nightingale Battle of the Books competitors who brought home the 1st place trophy. The also recognized the OAHS Band for an incredible showing at the Music in the Parks competition, the band was named Best Concert Band for all smaller schools and Best Overall Concert Band for all school, big or small. Michael Shaw and some of his OAHS drama students performed a few musical numbers from their latest production of the hilarious play "Monty Python's Spamalot". Cher Manich, Principal of Orcutt School for Independent Study, gave an update on the school's enrichment program, school wide-initiatives, and the support system available to students. The Board congratulated Rusty Gordon, Director of SPED, Julie Kozel, Director of Curriculum and Instruction, and Susan Salucci, Assistant Superintendent, Human Resources for receiving awards from the Association of California School Administrators.

ITEMS FROM THE BOARD

Melanie Waffle thanked and acknowledge all of the PTA for all they do to support our schools, families, and communities. She also thanked Eimile Pay for directing the District play "Goldilocks on Trial". Liz Phillips commented how nice it was to have a "packed house" for the board meeting and thanked principals and administrators for going the extra mile, for example, Principal Banks so wants to motivate students that he is willing to kiss a pig. Lisa Morinini enjoyed all the board presentation and thanked parents and teachers for all they do the help students succeed. She also stated that she is very excited to participate in Open House at the various school sites next month. Shaun Henderson commented that it was great to see so many people at the board meeting and that we are getting back to "normal" day by day and thanked staff for helping get us back to a routine.

PUBLIC COMMENT

Elizabeth Cutler, Secretary of OEA, informed the Board that OEA will be giving out two (2) \$1000 scholarships, one to an OAHS senior and the other to a dependent of and OEA member. She also thanked Mark Steller for letting OEA host their end of the year party at Steller's Cellar. Shirley Juarez, CSEA President, informed the board that they will be having a BBQ fundraiser to raise money for CSEA scholarships and to provide meals/gift cards to members in need. Tracy Levey, OAK8 teacher and parent expressed her concern over disruptive and inappropriate classroom behavior and the effect it is having on students.

CONSENT AGENDA ITEMS

- A. Classified Personnel Action Report
- B. Hiring of Additional District and Charter Coaches for the 2022-2023 School Year
- C. Certificated Personnel Action Report
- D. Approval of March 8, 2023 Regular Board Meeting Minutes
- E. Approval of March 29, 2023 Special Board Meeting Minutes
- F. Approval of Warrants
- G. Lakeview and Orcutt Jr. High Band Overnight Trip to attend Music in the Parks Competition in Buena Park, April 2023
- H. OAHS Robotics Team Pre-Authorization for an Out of State Trip to FIRST Robotics Championship in Houston Texas, April 2023
- I. OAHS Skills USA Team Overnight Trip to attend the 56th Annual Leadership and Skills USA State Conference, April 2023
- J. Notice of Completion: Olga Reed Classroom Modernization Project
- K. Memorandum of Understanding between OUSD and Allan Hancock College Allowing Taft Community College to Provide Concurrent Enrollment for OAHS for the 2023-2024 School Year
- L. College and Career Access Pathways Partnership Agreement with West Kern Community College District: Taft Community College, for Concurrent Enrollment Offerings at OAHS for the 2023-2024 School Year

It was moved by Liz Phillips seconded by Melanie Waffle and carried to approve consent agenda items A – L, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

ACTION ITEMS

Acceptance of Donations:

- A. **From: Stan Hansen-Director of National Softball Association, West Side Bullets Softball Club:** a donation of 17 new softball helmets and 1 new catcher set with an estimated value of \$2000 to Orcutt Academy High School.
- B. **From: Plantel:** a donation of organic soil compost with an estimated value of \$150 to the Los Alamos Campus for the school garden.
- C. **From: Ileue Bezahler, Hagan Blount, and Katie Smith:** a donation of three (3) composters with an estimated value of \$1000 to the Los Alamos Campus for the school garden.
- D. **From Debra Vidro:** a donation of two (2) pickleball nets with an estimated values of \$800.00 to the Los Alamos Campus for the benefit of PE and community engagement.
- E. **From The Rotary Club of Santa Maria Breakfast:** a donation of four (4) books, “The Last Cuentista” and “Watercress” with an estimated value of \$68 to the Alice Shaw, Patterson Rd., Pine Grove, and Ralph Dunlap elementary school libraries.

It was moved by Liz Phillips seconded by Melanie Waffle and carried to approve that the donations be accepted and letters of appreciation be sent to the donors: Ayes: Henderson, Morinini, Phillips, and Waffle.

Approval of Measure G Citizen Oversight Committee (COC) Application

It was moved by Melanie Waffle seconded by Lisa Morinini to and carried to approve the application for Kelley Strebe, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Bylaw 9270 Conflict of Interest

It was moved by Lisa Morinini seconded by Melanie Waffle and carried to approve the revised Board Bylaw 9270 Conflict of Interest, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Bylaw 9320 Meeting and Notices

It was moved by Liz Phillips seconded by Lisa Morinini and carried to approve the revised Board Bylaw 9320 Meeting and Notices, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Information Only:

OAHS Science Curriculum Textbook Adoption

Science Curriculum Adoption for Orcutt Academy High School

It was moved by Liz Phillips seconded by Melanie Waffle and carried to approve for Biology, The Living Earth: Biology, for Chemistry, Inspire Chemistry, and for Geology, Earth and Space Science 1st Edition as the textbooks for Orcutt Academy High School's Science Curriculum, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Policy 0420.4 Charter School Authorization

It was moved by Lisa Morinini seconded by Melanie Waffle and carried to approve the revised Board Policy 0420.4, Charter School Authorization, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Policy 6146.1 High School Graduation Requirements

It was moved by Liz Phillips seconded by Lisa Morinini and carried to approve the revised Board Policy 6146.1 High School Graduation Requirements, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Policy 6173 Education for Homeless Children

It was moved by Melanie Waffle seconded by Lisa Morinini and carried to approve the revised Board Policy 6173 Education for Homeless Children, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Policy 6173.1 Education for Foster Youth

It was moved by Liz Phillips seconded by Lisa Morinini and carried to approve the revised Board Policy 6173.1 Education for Foster Youth, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

Board Policy 6177 Summer Learning Programs

It was moved by Lisa Morinini seconded by Melanie Waffle and carried to approve the revised Board Policy Board Policy 6177 Summer Learning Programs, for first reading and that it be placed on the next Consent Agenda for the second reading. Ayes: Henderson, Morinini, Phillips, and Waffle.

California Department of Education Library Survey

It was moved by Melanie Waffle seconded by Liz Phillips and carried to acknowledge the District's completion of the California Department of Education Library Survey requirements of each of our school sited in compliance with the law, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

2022/2023 Resolution No. 14, Week of the Teacher

It was moved by Melanie Waffle seconded by Liz Phillips and carried to adopt Resolution No. 14, Week of the Teacher, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

2022/2023 Resolution No. 15, Classified Employees Week

It was moved by Liz Phillips seconded by Lisa Morinini and carried to adopt Resolution No. 15, Classified Employees Week, as submitted. Ayes: Henderson, Morinini, Phillips, and Waffle.

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, May 10, 2023, with Closed Session starting at 6:05 p.m., Public Session at approximately 6:30 p.m. in the District Office Board Room, 500 Dyer St., Orcutt, CA 93455.

ADJOURN TO CLOSED SESSION

It was moved by Liz Phillips seconded by Lisa Morinini and carried to adjourn to Closed Session at 8:00 p.m.

RECONVENE TO OPEN SESSION

I was moved by Melanie Waffle seconded by Lisa Morinini and carried to reconvene to Open Session at 8:56 p.m. Shaun Henderson reported that no action was taken in Closed Session.

ADJOURN

It was moved by Melanie Waffle seconded by Lisa Morinini and carried to adjourn the meeting at 8:57 p.m.

Holly Edds, Ed.D. Board Secretary

Lisa Morinini, Clerk, Board of Trustees

Warrants

These materials are not included in this copy of the agenda. The warrants are available for review at the District Office, 500 Dyer Street, Orcutt, CA. Monday-Friday from 7:30 am - 4:30 pm.

This procedure is in compliance with the Public Document Law, Government Code Section Number 6257.

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (a)

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, District employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by the Board member's, District employees, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Conflict of Interest Code

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the District's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the District's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Board members and designated employees shall adhere to the district's conflict of interest code adopted pursuant to the provisions of Government Code Section 87300.

Conflict of Interest Code for the Orcutt Union School District

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, and Board Bylaw 9270, are incorporated by reference and shall constitute the district's conflict of interest code.

Each person holding a "Designated Position" shown below shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer. The district's filing officer shall make the statements available for public review and inspection.

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (b)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall submit statements of economic interests to the district in accordance with requirements of the conflict of interest code. These statements shall be available for public inspection and reproduction. (Government Code Section 81008)

Board members and the Superintendent shall file statements with the Clerk of the Board office via the electronic filing system. The district shall make and retain copies. Statements for all other designated employees shall be retained by the district.

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves District employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or District employment. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which a district official knows that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the district official, the district official's immediate family, † or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A district official makes a governmental decision when within the authority of the office or position, the district official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (c)

However, a district official shall participate in the making of a contract in which the district official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705. 8705.

Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.
2. Any district officer who received a contribution of more than \$250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.
3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.
4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding \$250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (d)

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (e)

for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a “remote interest,” as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or District official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a “noninterest” as defined in Government Code 1091.5. Noninterest includes a Board member’s interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member’s election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member’s duties as an officer of the district. (Government Code 1099, 1126)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except when: (Government Code 89506)

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (f)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, conference, convention, meeting, social event, meal or like gathering in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes.

State

2 CCR 18110-18997: Regulations of the Fair Political Practices Commission

2 CCR 18438.1-18438.8: Campaign contribution-based conflicts of interest

2 CCR 18700-18760: Conflicts of Interest

2 CCR 18722-18740: Disclosure of interests

2 CCR 18753-18756: Conflict of interest codes

Ed. Code 1006: Prohibition against school district employees serving on county board of education

Ed. Code 35107: School district employees

Ed. Code 35230-35240: Corrupt practices

Ed. Code 35233: Prohibitions applicable to members of governing boards

Ed. Code 41000-41003: Moneys received by school districts

Board Bylaws

CONFLICT OF INTEREST

BB 9270 (g)

Ed. Code 41015: Investments
Fam. Code 297.5: Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099: Prohibitions applicable to specified officers
Gov. Code 1125-1129: Incompatible activities
Gov. Code 52334-53235.2: Ethics training
Gov. Code 81000-91014: Political Reform Act of 1974
Gov. Code 82011: Code reviewing body
Gov. Code 82019: Definition, designated employee
Gov. Code 82028: Definition, gift
Gov. Code 82030: Definition, income
Gov. Code 82033: Definition, interest in real property
Gov. Code 82034: Definition, investment
Gov. Code 87100-87103.6: General prohibitions
Gov. Code 87200-87210: Disclosure
Gov. Code 87300-87313: Conflict of interest code
Gov. Code 87500: Statement of economic interests
Gov. Code 89501-89503: Honoraria and gifts
Gov. Code 89506: Ethics; travel
Gov. Code 91000-91014L: Enforcement
Pen. Code 85-88: Bribes
Public Contract Code 6102: Awarding of contracts
Rev. & Tax Code 203: Taxable and exempt property - colleges

Management Resources

Attorney General Opinion 105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion 63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion 65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion 68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion 69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion 80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion 81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion 82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion 85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion 86 Ops.Cal.Atty.Gen. 138(2003)
Attorney General Opinion 89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion 92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion 92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
Court Decision Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511
Court Decision McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
CSBA Publication: Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication: Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government Publication: Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government Publication: Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website: CSBA District and County Office of Education Legal Services
Website: Institute for Local Government
Website: Fair Political Practices Commission

Board Bylaws
CONFLICT OF INTEREST

BB 9270 (h)

Website: CSBA

Bylaw Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Board Bylaws
MEETING AND NOTICES

BB 9320 (a)

Meetings of the Board of Trustees are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and location to hear, discuss, or deliberate or take action upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, including social media and other electronic communications, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

Notice of the procedure for receiving and resolving requests for accommodation described above shall be given in each instance in which notice of the time of a meeting is otherwise given or the agenda for the meeting is otherwise posted. (Government Code 54953)

Regular Meetings

The Board shall hold one regular meeting(s) each month. Regular meetings shall be held at 6:00 p.m. on the second Wednesday of the month at the District Office Board Room, 500 Dyer Street, Orcutt, CA. unless otherwise noticed.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose or on the district web site, consistent with Government Code 54957.5, at the time the materials are distributed to all or a majority of the Board. (Government Code 54957.5)

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent assistant superintendent, or other management employee as described in Government Code 3511.11 (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted

Board Bylaws
MEETING AND NOTICES

BB 9320 (b)

on the district's web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and location of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Board Bylaws
MEETING AND NOTICES

BB 9320 (c)

Adjourned/Continued Meetings

The Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Board Bylaws
MEETING AND NOTICES

BB 9320 (d)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of

Board Bylaws
MEETING AND NOTICES

BB 9320 (e)

the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Traditional Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction.

All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Unless a Board member participates by teleconference pursuant to the provisions described in the sections "Teleconferencing During a Personal Emergency," "Teleconferencing For 'Just Cause'" or "Teleconferencing During a Proclaimed State of Emergency" below, agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere.

All teleconference locations shall be accessible to the public and the public shall have the right to address the Board directly at each teleconference location. Additional teleconference locations may be provided to the public. (Government Code 54953)

Teleconferencing for "Just Cause"

A Board member may be permitted to appear remotely, pursuant to the provisions below, for just cause for no more than two meetings per calendar year. A Board member appearing for just cause shall notify the Board at the earliest possible opportunity of the need to participate in the meeting remotely, including at the start of a regular meeting. (Government Code 54953)

Just Cause may exist for any of the following: (Government Code 54953)

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a Board member to participate remotely

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2. A contagious illness prevents a Board member from attending in person
3. A Board member has a need related to a physical or mental disability not otherwise reasonably accommodated
4. A Board member is traveling while on official business of the Board or another state or local agency

When a Board member participates remotely for just cause, the Board member is not required to participate from a location which is accessible to the public and the location does not need to be identified on the agenda. (Government Code 54953)

If the Board member participates remotely, the Board member shall utilize both audio and visual technology and publicly disclose, before any action is taken, whether any other individuals 18 years or older are present in the remote location with the Board member, and the general nature of the member's relationship with such individuals. (Government Code 54953)

The district shall also provide public access to the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with public comment being allowed via the remote platform as well as in person and the public shall be able to offer comments in real time. The agenda shall include information describing how members of the public can access the platform. (Government Code 54953)

If a disruption prevents broadcasting the meeting to members of the public using the call-in option or internet-based service option, or a disruption that is within the Board's control prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board shall not take action on agenda items until public access to the meeting is restored. (Government Code 54953)

Teleconferencing During a Proclaimed State of Emergency

Until January 1, 2024, the Board may conduct Board meetings by teleconference without posting agendas at all teleconference locations, identifying teleconference locations in meeting notices and agendas, allowing public access to each teleconference location, providing an opportunity for members of the public to address the Board directly at each teleconference location, and ensuring that at least a quorum of the Board participate from locations within district boundaries, during a proclaimed state of emergency pursuant to Government Code 8625-8629 in any of the following circumstances: (Government Code 54953)

1. State or local officials have imposed or recommended measures to promote social distancing

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BB 9320 (g)

2. For the purpose of determining, by majority vote, whether as the result of the emergency meeting in person would present imminent risks to the health or safety of attendees
3. When it has been determined, by majority vote as described in Item #2 above, that as a result of the emergency meeting in person would present imminent risks to the health or safety of attendees

To conduct a teleconference meeting for these purposes the following requirements shall be satisfied:
(Government Code 54953)

1. The notice and agenda shall be given and posted as otherwise required by the Brown Act
2. The notice and agenda of the meeting shall specify the means by which members of the public may access the meeting and offer public comments, including via a call-in or internet-based service option

Members of the public may be required to register to log in to a meeting when making public comments through an internet web site or other online platform that is operated by a third-party and not under the control of the Board.

3. Members of the public shall be allowed to access the meeting, and the agenda shall provide an opportunity for members of the public to address the Board directly pursuant to Government Code 54954.3
4. Members of the public shall not be required to submit public comments in advance of a Board meeting and shall be provided an opportunity to address the Board and offer comments in real time
5. Public comment periods shall not be closed until the timed public comment period, if such is offered by the Board, has elapsed or, if not timed, until a reasonable amount of time per agenda item has been allowed
6. If during a Board meeting a disruption occurs which prevents the district from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the district's control that prevents members of the public from offering public comments, the Board shall take no further action on any agenda item until public access via the call-in or internet-based service option to the meeting is restored

The district may, in its discretion, provide a physical location from which the public may attend or comment. (Government Code 54953)

The Board may continue to conduct meetings by teleconference, as specified above for

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BB 9320 (h)

teleconferencing during proclaimed states of emergency, by a majority vote finding within 30 days after teleconferencing for the first time, and every 30 days thereafter, that either: (Government Code 54953)

1. The state of emergency continues to directly impact the ability of the Board to meet safely in person
2. State or local officials continue to impose or recommend measures to promote social distancing

State

Ed. Code 35140 Time and place of meetings
Ed. Code 35143 Annual organizational meetings; date and notice
Ed. Code 35144 Special meeting
Ed. Code 35145 Public meetings
Ed. Code 35145.5 Agenda; public participation and regulations
Ed. Code 35146 Closed sessions; student matters
Ed. Code 35147 Open meeting laws exceptions
Gov. Code 11135 Prohibition of discrimination
Gov. Code 3511.1 Local agency executives
Gov. Code 54950-54963 The Ralph M. Brown Act
Gov. Code 54953 Oral summary of recommended salary and benefits of superintendent
Gov. Code 54954 Time and place of regular meetings
Gov. Code 54954.2 Agenda posting requirements; board actions
Gov. Code 54956 Special Meetings
Gov. Code 54956.5 Emergency meetings
Gov. Code 6252-6270 California Public Records Act
Gov. Code 7920.000 - 7930.170 California Public Records Act
Gov. Code 8625-8629 California Emergency Services Act

Federal

28 CFR 35.160 Effective communications for individuals with disabilities
28 CFR 36.303 Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services
42 USC 12101-12213 Americans with Disabilities Act

Management Resources

Attorney General Opinion: 78 Ops.Cal.Atty.Gen. 327 (1995)
Attorney General Opinion: 79 Ops.Cal.Atty.Gen. 69 (1996)
Attorney General Opinion: 84 Ops.Cal.Atty.Gen. 181 (2001)
Attorney General Opinion: 84 Ops.Cal.Atty.Gen. 30 (2001)
Attorney General Opinion: 88 Ops.Cal.Atty.Gen. 218 (2005)
Court Decision: Knight First Amendment Institute at Columbia University v. Trump, (2019) 928 F.3d 226
Court Decision: Garnier v. Poway Unified School District, (S.D. Cal. September 26, 2019) No. 17-cv-2215-W (JLB), 2019 WL 4736208
Court Decision: Wolfe v. City of Fremont, (2006) 144 Cal.App. 4th 533
CSBA Publication: The Brown Act: School Boards and Open Meeting Laws, rev. 2019
Institute for Local Government Publication: The ABCs of Open Government Laws
League of California Cities Publication: Open and Public V: A Guide to the Ralph M. Brown Act, 2016
Website: CSBA District and County Office of Education Legal Services
Website: CSBA, GAMUT Meetings
Website: Institute for Local Government
Website: League of California Cities
Website: California Attorney General's Office
Website: CSBA

Bylaw Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

**Philosophy, Goals, Objectives and Comprehensive Plans
CHARTER SCHOOLS AUTHORIZATION**

BP 0420.4 (a)

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for district students. In considering any petition to establish a charter school within the district, the Board shall give careful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605)

Any petition for a charter school should include all components, signatures and statements required by law, as specified in the accompanying administration regulation. The proposed charter shall be attached to the petition. (Education Code 47605).

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for contracted services which the district may provide to the proposed charter school.

The Board shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)

Timelines for Board Action

Within 60 days of receiving a petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by teachers, other employees of the district, and parents/guardians. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Education Code 47605)

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

**Philosophy, Goals, Objectives and Comprehensive Plans
CHARTER SCHOOLS AUTHORIZATION**

BP 0420.4 (b)

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

Approval of Petition

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE). (Education Code 47605)

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the CDE, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Convert a private school to a charter school (Education Code 47602)
3. Serve students in a grade level that is not served by the district, unless the petition proposes

**Philosophy, Goals, Objectives and Comprehensive Plans
CHARTER SCHOOLS AUTHORIZATION**

BP 0420.4 (c)

to serve students in all the grade levels served by the district (Education Code 47605)

4. Offer nonclassroom-based instruction (Education Code 47612.7)

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605; 5 CCR 11967.51)

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit, for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances regarding:
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
 - b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
8. The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

**Philosophy, Goals, Objectives and Comprehensive Plans
CHARTER SCHOOLS AUTHORIZATION**

BP 0420.4 (d)

The Board shall not deny a petition based on the actual or potential costs of serving with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

Appeals

If the Board denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to the SBE. (Education Code 47605)

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. (Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and grant shall or deny the petition within 30 days. (Education Code 47605)

State

5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools; duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 49011	Student fees
Ed. Code 51744-51749.6	Independent study
Ed. Code 51745	Independent study

**Philosophy, Goals, Objectives and Comprehensive Plans
CHARTER SCHOOLS AUTHORIZATION**

BP 0420.4 (e)

Ed. Code 52052 Accountability; numerically significant student subgroups
Ed. Code 52060-52077 Local control and accountability plan
Ed. Code 56026 Special education
Ed. Code 56145-56146 Special education services in charter schools
Gov. Code 1090-1099 Prohibitions applicable to specified officers
Gov. Code 3540-3549.3 Educational Employment Relations Act
Gov. Code 54950-54963 The Ralph M. Brown Act
Gov. Code 7920.000-7930.215 California Public Records Act
Gov. Code 81000-91014 Political Reform Act of 1974
W&I Code 224.1 Indian child; definition

Federal

20 USC 7221-7221j Charter schools

Management Resources

Attorney General Opinion 101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion 78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion 89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion 80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.: Memorandum of Understanding (MOU) Resource, September 2022
Court Decision: Napa Unified School District v. California State Board of Education, Case No. 34-2022-80004051
Court Decision: CSBA’S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834
Court Decision: Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication: Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California’s Charter Schools, September 2018
CSBA Publication: Charter Schools: A Guide for Governance Teams, rev. February 2016
CSBA Publication: Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
CSBA Publication: Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016
U.S. Department of Education Publication: Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
U.S. Department of Education Publication: Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
Website CSBA District and County Office of Education Legal Services
Website National Association of Charter School Authorizers
Website California Charter Schools Association
Website California Department of Education, Charter Schools
Website CSBA
Website U.S. Department of Education

Policy Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Instruction**BP 6146.1 (a)****HIGH SCHOOL GRADUATION REQUIREMENTS**

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3 and those adopted by the Board, except for students who are exempted as provided in "Exemptions from District-Adopted Graduation Requirements," below. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)
2. Two courses in mathematics (Education Code 51225.3)
Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)
3. Successful completion of an approved computer science course that is classified as a "category c" course based on the "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)
4. Two courses in science, including biological and physical sciences (Education Code 51225.3)
5. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
6. One course in visual or performing arts, world language, or career technical education (CTE). For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)

Instruction**BP 6146.1 (b)****HIGH SCHOOL GRADUATION REQUIREMENTS**

7. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)
8. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student takes the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

In addition, a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

Instruction**BP 6146.1 (c)****HIGH SCHOOL GRADUATION REQUIREMENTS**

The Superintendent or designee shall not require or request a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program who is exempted from district-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

If a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student participating in a newcomer program was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the Superintendent or designee shall exempt the student within 30 days of the request. Any such student who at one time qualified for the exemption may request the exemption even if the student is no longer eligible. (Education Code 51225.1)

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of student's graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through the 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

Instruction
HIGH SCHOOL GRADUATION REQUIREMENTS

BP 6146.1 (e)

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225)

State

5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will

Instruction
HIGH SCHOOL GRADUATION REQUIREMENTS

BP 6146.1 (f)

Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51226.7	Model Curriculum in Ethnic Studies
Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard
<i>Management Resources</i>	
Court Decision	O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, High School
Website	University of California, List of Approved A-G Courses
Website	CSBA

Policy Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Instruction

BP 6173 (a)

EDUCATION FOR HOMELESS CHILDREN

The Board of Trustees believes that the identification of students experiencing homelessness is critical to improving the educational outcomes of such student and ensuring that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

The Superintendent or designee shall ensure that each district school identifies all students experiencing homelessness and unaccompanied youths enrolled at the school. (Education Code 48851) To ensure easy identification of students experiencing homelessness, the Superintendent or designee shall annually provide and administer a housing questionnaire developed by the California Department of Education (CDE) to all parents/guardians of students and all unaccompanied youths. (Education Code 48851) If the primary language of a student's parent/guardian or an unaccompanied youth is not English, either the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985, or an appropriate translation of the housing questionnaire shall be provided upon request of a student's parent/guardian or an unaccompanied youth. (Education Code 48851)

The Superintendent or designee shall review district policies at least once every three years and recommend updates to ensure removal of any barriers to the education of homeless students and unaccompanied youth. Any such review shall address identification, enrollment, and retention of such students, including those barriers that are due to absences or outstanding fees or fines. (Education Code 48851.3, 42 USC 11432)

When there are at least 15 homeless students in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for students experiencing homelessness. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school, and as specified in Education Code 48851.3 related to trainings for district staff providing assistance to students experiencing homelessness. In addition, the Superintendent or designee shall ensure that the district liaison's contact information and other information on homelessness, including, but not limited to, information regarding the educational rights and resources available to persons experiencing homelessness, are posted on the district and school web sites as specified in the accompanying administrative regulation. (Education Code 48852.6)

The Superintendent or designee shall ensure that information and/or materials for students experiencing homelessness are provided in a manner and form understandable to the student's parents/guardians and to unaccompanied youths.

Information about the living situation of a student experiencing homelessness shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall

Instruction**BP 6173 (b)****EDUCATION FOR HOMELESS CHILDREN**

not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

The Superintendent or designee shall ensure that placement decisions for students experiencing homelessness are based on the student's best interest as defined in law and administrative regulation.

Each student experiencing homelessness shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (Education Code 48850; 42 USC 11432)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that students experiencing homelessness are promptly identified, ensure that students experiencing homelessness have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to students experiencing homelessness, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for students experiencing homelessness and services for students with disabilities. (42 USC 11432)

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students. Such professional development and technical assistance shall include, but are not limited to, training on the district's homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers. (Education Code 48851.3, 48852.5; 42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on the identification of and outcomes for students experiencing homelessness, which may include, but are not limited to, the housing questionnaire responses, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related

Instruction

BP 6173 (c)

EDUCATION FOR HOMELESS CHILDREN

to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to more effectively identify and support the education of students experiencing homelessness.

Annually, the Superintendent or designee shall report to CDE, in accordance with Education Code 51225.1, the number of students experiencing homelessness graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

State

5 CCR 4600-4670 Uniform complaint procedures
Ed. Code 39807.5 Payment of transportation costs by parents
Ed. Code 48850 Academic achievement of students in foster care and homeless children
Ed. Code 48850-48859 Education of foster youth and homeless students
Ed. Code 48851 Identification of homeless children and youths and unaccompanied youths; housing questionnaire
Ed. Code 48851.3 Homeless education program policies; liaison responsibilities
Ed. Code 48851.5 Local educational agency liaison for homeless children and youths
Ed. Code 48852.3 Monitoring for compliance with chapter
Ed. Code 48852.5 Notice of educational rights of homeless students
Ed. Code 48852.6 Information regarding homelessness
Ed. Code 48852.7 Education of homeless students; immediate enrollment
Ed. Code 48859 Definitions
Ed. Code 48915.5 Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1 Notice of recommended expulsion
Ed. Code 48985 Notices to parents in language other than English
Ed. Code 51225.1-51225.3 Graduation requirements
Ed. Code 52052 Accountability; numerically significant student subgroups
Ed. Code 52060-52077 Local control and accountability plan

Federal

20 USC 1087vv Free Application for Federal Student Aid; definitions
20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482 Individuals with Disabilities Education Act
20 USC 6311 State plan
42 USC 11431-11435 McKinney-Vento Homeless Assistance Act
42 USC 12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources

California Child Welfare Council Publication Partial Credit Model Policy and Practice Recommendations, September 2013

California Department of Education Publication, Federal Program Monitoring Instrument

California Department of Education Publication Homeless Education Dispute Resolution Process, March 2020

National Center for Homeless Education Publication, Homeless Liaison Toolkit, 2020

U.S. Department of Education Guidance Education for Homeless Children and Youths Program, Non-Regulatory Guidance, August 2018

Website: CSBA District and County Office of Education Legal Services

Website: California State University

Website: University of California

Website: California Department of Education, Homeless Children and Youth Education

Website: National Center for Homeless Education at SERVE

Website: National Homelessness Law Center

Instruction

BP 6173 (d)

EDUCATION FOR HOMELESS CHILDREN

Website: U.S. Department of Education - Education for Homeless Children and Youths Grants for State and Local Activities

Website: California Community Colleges

Website: California Interscholastic Federation

Website: California Child Welfare Council

Policy Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Instruction**BP 6173.1(a)****EDUCATION FOR FOSTER YOUTH**

The Governing Board recognizes that foster youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs that may be addressed with the provision of a safe, positive learning environment that is free from discrimination and harassment and that promotes students' self-esteem and academic achievement.

The Superintendent or designee shall provide foster youth with full access to the district's educational program and implement strategies necessary for the improvement of the academic achievement of foster youth as identified in the district's local control and accountability plan (LCAP). The Superintendent or designee shall also develop strategies to build a foster youth's feeling of connectedness with school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, the Superintendent or designee shall designate a staff person as the district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training on the enrollment, placement, and transfer of foster youth and other related rights.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

At least annually and in accordance with the established timelines, the Superintendent or designee shall report to the Board on the outcomes for foster youth regarding the goals and specific actions identified in the LCAP, including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates. As necessary, evaluation data shall be used to determine and recommend revisions to the LCAP for improving or increasing services for foster youth.

Annually, the Superintendent or designee shall report to the California Department of Education, in accordance with Education Code 51225.1, the number of foster youth graduating from the fourth or fifth year of high school who, for the prior school year, graduated with an exemption from district-established graduation requirements that are in addition to statewide coursework requirements.

Instruction

BP 6173.1(b)

EDUCATION FOR FOSTER YOUTH

State

5 CCR 4600-4670: Uniform complaint procedures
Ed. Code 39807.5: Payment of transportation costs by parents/guardians; waiver for foster youth
Ed. Code 42238.01-42238.07: Local control funding formula
Ed. Code 42920-42926: Foster children educational services
Ed. Code 48645-48647: Juvenile court schools
Ed. Code 48850-48859: Education of foster youth and homeless students
Ed. Code 48915.5: Recommended expulsion; foster youth with disabilities
Ed. Code 48918.1: Notice of recommended expulsion
Ed. Code 49061: Definitions; directory information
Ed. Code 49069.5: Students in foster care; grades and credits
Ed. Code 49076: Access to student records
Ed. Code 51225.1: Exemption from district graduation requirements
Ed. Code 51225.2: Course credits
Ed. Code 51225.3: High school graduation requirements
Ed. Code 52060-52077: Local control and accountability plan
Ed. Code 56055: Rights of foster parents pertaining to foster youth's education
H&S Code 120341: Foster youth; school placement and immunization records
H&S Code 1522.41: Training and certification of group home administrators
W&I Code 16000-16014: Foster care placement
W&I Code 300: Minors subject to jurisdiction
W&I Code 309: Investigation and release of child
W&I Code 317: Appointment of legal counsel
W&I Code 361: Limitations on parental control
W&I Code 366.27: Educational decision by relative providing living arrangements
W&I Code 602: Minors violating law; ward of court
W&I Code 726: Limitations on parental control
W&I Code 727: Order of care; ward of court

Federal

20 USC 1415: Procedural safeguards
20 USC 6311: State plan
29 USC 794: Rehabilitation Act of 1973; Section 504
42 USC 11431-11435: McKinney-Vento Homeless Assistance Act
42 USC 670-679b: Federal assistance for foster care programs

Management Resources

Alliance for Children's Rights Publication: Foster Youth Education Toolkit, December 2016
California Child Welfare Council Publication Partial Credit Model Policy and Practice Recommendations, September 2013
California Foster Youth Education Task Force Publication California Foster Youth Education Law Fact Sheets, January 2021
Cities, Counties and Schools Partnership Pub. Our Children: Emancipating Foster Youth, A Community Action Guide
CSBA Publication: Our Foster Youth: What School Boards Can Do, May 2016
CSBA Publication: Foster Youth: Supports for Success, Governance Brief, May 2016
U.S. Department of Education Publication Ensuring Educational Stability for Children in Foster Care, Non-Regulatory Guidance, June 2016
Website: CSBA District and County Office of Education Legal Services
Website: Alliance for Children's Rights
Website: Foster Ed
Website: National Center for Youth Law
Website: California Department of Education, Foster Youth Services
Website: California Department of Social Services, Foster Youth Ombudsman Office
Website: California Foster Youth Education Task Force
Website: California Youth Connection
Website: Cities Counties and Schools Partnership

Instruction

BP 6173.1(c)

EDUCATION FOR FOSTER YOUTH

Website: CSBA

Website: California Child Welfare Council

Policy Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Instruction

BP 6177 (a)

SUMMER LEARNING PROGRAMS

The Board of Trustees recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged students and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills, make academic progress, develop socially and emotionally, and explore interests through engaging learning experiences.

Summer programs offered by the district shall be aligned with the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

Summer Programs

The district is required to offer childcare programming beyond the school year in association with its Expanded Learning Opportunities Program for grades transitional kindergarten (TK)-6 (Education Code 46120). This program can include summer childcare and, if the district desires, a summer school. The district's summer program may be used to provide supplemental instruction to students needing remediation and/or enrichment in core academic subjects. The district also can provide summer opportunities for high school credit recovery and programs that support transitions for students entering a new school.

As appropriate, priority for enrollment in summer programs shall be given to district students who:

1. Are in grades TK-6 and are required to be offered or provided access to Expanded Learning Opportunities Programs pursuant to Education Code 46120 and BP/AR 5184.2 - Before/After School Programs
2. Need course credits in order to graduate from high school before the beginning of the next school year
3. Have been retained or are at risk of being retained at their grade level
4. Demonstrate academic deficiencies in core curriculum areas
5. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

Sites for summer ~~school~~ programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to equalize long-term facility and maintenance needs.

Additional Summer Learning Opportunities

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop,

Instruction
SUMMER LEARNING PROGRAMS

BP 6177 (b)

implement, and build awareness of organized activities that support summer learning.

Strategies to support summer learning may include, but are not limited to:

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity
3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component
4. students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals
5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subject
7. Arranging opportunities for community service

State

5 CCR 11470-11472: Summer school

5 CCR 3043: Extended school year; special education students

Ed. Code 37252-37254.1: Supplemental instruction

Ed. Code 39837: Transportation to summer employment program

Ed. Code 41505-41508: Pupil Retention Block Grant

Ed. Code 41976.5: Summer school programs; substantially disabled persons or graduating high school seniors

Ed. Code 42238.01-42238.07: Local control funding formula

Ed. Code 48070-48070.5: Promotion and retention

Ed. Code 51210: Course of study for grades 1-6

Ed. Code 51220: Course of study for grades 7-12

Ed. Code 51730-51732: Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors

Ed. Code 52052: Accountability; numerically significant student subgroups

Ed. Code 52060-52077: Local control and accountability plan

Ed. Code 54444.3: Summer program for migrant students

Ed. Code 56345: Individualized education program contents

Ed. Code 58700-58702: Credit towards summer school apportionments for tutoring and homework assistance

Ed. Code 58806: Summer school apportionments

Ed. Code 8482-8484.6: After School Education and Safety Program

Instruction

BP 6177 (c)

SUMMER LEARNING PROGRAMS

Ed. Code 8484.7-8484.9: 21st Century Community Learning Centers

Federal

20 USC 6311-6322: Improving basic programs for disadvantaged students

20 USC 7171-7176: 21st Century Community Learning Centers

Management Resources

CSBA Publication, School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013

CSBA Publication: Summer Learning and Wellness Resource Guide

National Summer Learning Association Publication: New Vision for Summer School, 2010

National Summer Learning Association Publication: Healthy Summers for Kids: Turning Risk into Opportunity, May 2012

Rand Corporation Publication: Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011

Website: CSBA District and County Office of Education Legal Services

Website: National Summer Learning Association

Website: RAND Corporation

Website: Summer Matters

Website: Partnership for Children and Youth

Website: California Department of Education

Website: CSBA

Policy Adopted: 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Interdistrict Attendance Agreement

1. **Parties.** The parties to this interdistrict attendance agreement (hereinafter referred to as the Agreement) are the Governing Boards of Orcutt Union School District and Los Olivos Elementary School District.
2. **Duties.** This reciprocal agreement constitutes a written recital of practices between the districts as they have been historically carried out in the absence of a written agreement. In consideration of the mutual promises contained in this Agreement, the parties agree as follows:
 - a. The District of Attendance shall accept applications for interdistrict transfer permits, insofar as facilities and budget permit and in accordance with Board of Education policy, from pupils who are residents of the District of Residence and eligible to attend the elementary schools of the District of Residence.
 - b. Approval of an interdistrict transfer permit by the District of Residence does not guarantee approval by the District of Attendance. All permits received by the District of Attendance will be approved or denied pursuant to its board policies.
 - c. Any interdistrict transfer permit approved by the District of Attendance may be revoked pursuant to the specific interdistrict attendance policies in place at that District.
 - d. Interdistrict transfer permits are valid only for the school year that they are issued.

Approval of an interdistrict transfer permit does not create a continued right of enrollment at the District of Attendance. Pupils from the District of Residence seeking to enroll at the District of Attendance over multiple school years shall reapply for an interdistrict transfer permit every school year.
 - e. The District of Attendance shall furnish the pupils who are residents of the District of Residence and attending schools in the District of Attendance the same advantages, equipment, supplies, and services as are furnished to other pupils in attendance in its schools, excluding transportation to and from the schools.

3. **Term.** This agreement is effective only for the period July 1, 2023, through June 30, 2024.

IN WITNESS WHEREOF the parties to this agreement have caused the agreement to be signed on their behalf by the Superintendent of each school district.

FOR ORCUTT UNION SCHOOL DISTRICT

By: _____
Dr. Holly Edds, Superintendent

Date: _____

FOR LOS OLIVOS ELEMENTARY SCHOOL DISTRICT

By: _____
Ray Vazquez, Superintendent

Date: 4.14.2023



ORCUTT UNION SCHOOL DISTRICT REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Elementary Schools Date: 4/12/2023

DONOR: Name: Coast Hills Credit Union Community Foundation
Address: Box 8000 Santa Maria, CA. 93456-8000
Phone No. 805-733-7600

GIFT: Item Donated _____ or Cash Donation \$ 250.00
(Fill in if money is donated)
Designated for: North County Mathematics Superbowl
General Description: Donation for event expenses
Model No.: _____ Condition: New Used
Value (estimated): _____
Purpose of Gift: Donation is to help cover cost of facility rental, awards, supplies
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: N/A

INSTALLATION AND OPERATION (If answer to A is yes, answer B and C)

- A. Will gift require installation? Yes No
- B. What type of installation is required? _____
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs? Yes No
If yes, what type? _____

Acceptance Requested By (OUSD Staff Member): Lorie BOUGET
Acceptance Approved By (Administrator): Joseph Dana
RECOMMENDATIONS: Principal or District Representative accept

BOARD ACTION: Date Accepted: _____ Date Denied: _____

Please submit request to the Superintendent's Office. (If denied, explanation is on reverse side of this form.)



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Alice Shaw Date: 4-23

DONOR: Name: Ricky's House of Pizza
Address: 4869 S. Bradley Ste 106
Phone No. 805-938-1126

GIFT: Item Donated _____ or Cash Donation \$160⁴⁰
(Fill in if money is donated)
Designated for: Outdoor School Sponsorship
General Description: Paid balances
Model No.: _____ Condition: New Used
Value (estimated): _____
Purpose of Gift: _____
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: _____

INSTALLATION AND OPERATION (If answer to A is yes , answer B and C)

- A. Will gift require installation? Yes No
- B. What type of installation is required? _____
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs?
If yes, what type? _____

Acceptance Requested By (OUSD Staff Member): Cheer Palin
Acceptance Approved By (Administrator): [Signature]
RECOMMENDATIONS: Principal or District Representative _____

BOARD ACTION: Date Accepted: _____ Date Denied: _____

Please submit request to the Superintendent's Office. (If denied, explanation is on reverse side of this form.)



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Alice Shaw Date: 4/18/23

DONOR: Name: Kirsten Riede
Address: 142 Tallyho Rd
Phone No. Santa Maria CA 93455

GIFT: Item Donated _____ or Cash Donation \$ 243.00
(Fill in if money is donated)

Designated for: Outdoor School

General Description: Pay off balance for student

Model No.: _____ Condition: New Used

Value (estimated): _____

Purpose of Gift: _____

Will gift be purchased through Business Services Office? Yes No

Donor Conditions of Acceptance: _____

INSTALLATION AND OPERATION (If answer to A is yes , answer B and C)

A. Will gift require installation? Yes No

B. What type of installation is required? _____

C. Will donor pay installation costs? Yes No

D. Will there be operating costs?
If yes, what type? Yes No

Acceptance Requested By (OUSD Staff Member): Cheri Pagan

Acceptance Approved By (Administrator): J. Kay

RECOMMENDATIONS: Principal or District Representative _____

BOARD ACTION: Date Accepted: _____ Date Denied: _____

Please submit request to the Superintendent's Office. (If denied, explanation is on reverse side of this form.)



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Campus Connection Date: 3/24/2023

DONOR: Name: Bob Gribus
Address: 4439 Kenai Ct, Santa Maria CA 93455
Phone No. _____

GIFT: Item Donated STEM Activity Kits or Cash Donation \$ _____
(fill in if money is donated)
Designated for: Campus Connection Child Care Program
General Description: STEM Activity Building Kits (7)
Model No.: Solar Powered/Manual Condition: New Used
Value (estimated): \$ 300.00
Purpose of Gift: _____
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: N/A

INSTALLATION AND OPERATION (If answer to A is yes , answer B and C)

- A. Will gift require installation? Yes No
- B. What type of installation is required? _____
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs?
If yes, what type? Yes No

Acceptance Requested By (OUSD Staff Member): Pam English
Acceptance Approved By (Administrator): _____
RECOMMENDATIONS: Principal or District Representative _____

BOARD ACTION: Date Accepted: _____ Date Denied: _____

Please submit request to the Superintendent's Office. (if denied, explanation is on reverse side of this form.)



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Measure G Citizens' Oversight Committee (COC) Annual Report for the 2021-2022 Fiscal Year

BACKGROUND: The Citizens' Oversight Committee (COC) shall review expenditure reports produced by The District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure G; and (b) no bond proceeds were used for teacher or administrative salaries, or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004. The COC shall present to the Board, in public session, an annual written report for Measure G-2016. The report requirements shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the Citizens' Oversight Committee Annual Report for the 2021-2022 Fiscal Year, as submitted

FUNDING: N/A

2022 Annual Report To the Board of Trustees

Bond Measure G
Citizens' Oversight Committee

Presented May 10, 2023



**2023 Citizens Oversight
Committee Members**

Jan Zilli, Chair

Community at – large

**Michelle Southwick, Vice-
Chair**

Senior citizens’
organization

Eric Melsheimer

Representative for local
business

Lee Carroll

**Active member in a
taxpayers association**

Kelley Strebe

Parent/PTA President

Neal Lemaire

Parent

Steve Southwick

Community at - large

DISTRICT STAFF

Holly Edds, Ed.D.

Superintendent

Susan Salucci

Assistant Supt. Human
Resources

Joseph Dana

Assistant Supt. Educational
Services

Sandra Knight

Assistant Supt. Business
Services

Leslie Wagon seller

Executive Director of
Technology and
Educational Services

Brad Gitchell

Director of MOT

Bethany Markee

Director of Child Nutrition

Rusty Gordon

Executive Director, Special
Education

Julie Payne

Executive Assistant
Superintendent, Board of
Trustees



LETTER FROM THE CHAIR

On behalf of the Orcutt Union School District Measure G Citizens’ Oversight Committee it is my pleasure to present the Measure G Annual Report to the Board of Trustees.

Since the Community approved the bond in 2016 Measure G has enhanced school sites with security fencing, improved bus drop-off and pick-up and modernization of school offices. We have also completed an Innovation Center, upgraded bathrooms and added a new parking lot.

The committee met bi-annually in the 2021-2022 school year and was given detailed information from Business Services and staff concerning the progress and expenditures related to the various projects included in the Measure G Bond. The committee plays an important role in informing the public about the District’s expenditures of bond money, providing oversight to ensure that bond revenues are spent on construction projects as promised to the community.

It is the opinion of this committee that based on the oversight activities and the financial and performance audits noted herein, the school district remains in full compliance with the requirements of article XIII A, Section 1(b) (3) of the Constitution of the State of California.

The committee trusts you will find the annual report accurate, informative and comprehensive.

Respectfully,

Jan Zilli

Chair

Measure G Citizens’ Oversight Committee

Bond Measure G Overview

Northern Santa Barbara County residents voted November 8, 2016, to approve Measure G, the \$60 million general obligation facilities bond to improve Orcutt Union School District. Funding from the bond is helping the district repair, upgrade and improve elementary and secondary schools, including deteriorated roofs, plumbing, and electrical systems, improve student safety/security and disabled access, keep schools well-maintained, acquire, renovate, improve classrooms/facilities/equipment and technology infrastructure, replace aging portables with modern classrooms. All funds should be benefiting all our school sites.

MEASURE G2016 COMMITMENT TO COMMUNITY ORUETT UNION SCHOOL DISTRICT

To repair/upgrade Orcutt/Los Alamos elementary/secondary schools, including deteriorated roofs, plumbing, and electrical systems, improve student safety/security and disabled access, keep schools well-maintained, acquire, renovate, construct classrooms/facilities/equipment and technology infrastructure to support programs in science, math, reading and arts, replace aging portables with modern classrooms, shall Orcutt Union School District issue \$60 million in bonds at legal rates, with citizens' oversight, annual audits, no funds for administrators, and all funds benefiting local schools?

Measure G was presented to voters under the provision of Proposition 39, stipulating that at least 55 percent of voters approve a measure for its passage. It passed with 57.8 percent of the vote.

The Citizens' Oversight Committee

As promised to voters and required by law, on June 23, 2016, the Orcutt Union School District Board of Trustees adopted Resolution No. 20, establishing the Measure G Citizens' Oversight Committee.

The laws governing implementation of the Citizens' Oversight Committee require a minimum of seven members to be selected based on criteria established by Proposition 39:

- One active member from the following: a business organization representing the business community located in the District; a senior citizens' organization; a bona-fide taxpayer's association; and a parent or guardian of a child enrolled in the District
- Two members of the community at-large.

Period covered by the report

This report covers the time period of July 1, 2021 through June 30, 2022

Statement of purpose/responsibilities of the Citizens' Oversight Committee

The Measure G Citizens' Oversight Committee, with members representing the various groups of our communities, serves as the representative of local residents to monitor the expenditures of Measure G Funds. The Citizens' Oversight Committee reviews the progress and expenditure reports to ensure that bond proceeds were expended only for the purposes set forth in the Measure G Bond, and reports their findings annually to the Orcutt Union School District Board of Trustees via this report.

The district has received, and the Citizens' Oversight Committee has reviewed, the financial and performance audit for the Measure G Bond Construction Fund for the fiscal year ending June 30, 2022. EideBailly, Certified Public Accountants, prepared the report to comply with Proposition 39 accountability within the California Constitution.

EideBailly stated, "The results of our tests indicated that, in all significant respects, the Orcutt Union School District has properly accounted for expenditures held in the Building Fund (Measure G) and that such expenditures were made for authorized Bond projects. There were no audit findings, reported in the prior year's Schedule of Findings and Questioned Costs.

Financial compliance confirmation

All expenditures authorized by Measure G have been reviewed by the Citizens' Oversight Committee to ensure the money was spent only on improvement projects as required by Proposition 39. All funds expended from Measure G have been audited by an independent accounting firm.

The Citizens' Oversight Committee has reviewed expenditures and projects and finds the district is in compliance with the requirements of Article XIII A, Section 1(b)(3)(C) of the California Constitution and consistent with the district's approved Measure G local bond measure.

Orcutt Union School District

General Obligation Bond

Total General Obligation Bond Authorization	\$60,000,000
Series A Issuance, issued in June 2018	\$15,000,000
Series B Issuance, issued in June 2020	\$20,000,000
General Obligation Bonds not yet sold	\$25,000,000
TOTAL GENERAL OBLIGATION BOND AUTHORIZATION	\$60,000,000
Series A Issuance	\$15,000,000
Premium on Sale of Bonds Issuance A	\$624,527
Series B Issuance	\$20,000,000
Premium on Sale of Bonds Issuance B	\$252,789
Interest	\$603,190
TOTAL AVAILABLE REVENUE	\$36,480,506
Previously Spent as of June 30, 2021	\$23,648,166
Beginning Balance as of July 1, 2021	\$12,832,340
District Innovation Center	\$371,662
Joe Nightingale Elementary School Site Safety & Security	\$48,374
Joe Nightingale Elementary School Administration Building	\$1,117,055
Olga Reed Elementary School Electrical Project	\$449,996
Olga Reed Elementary School Classroom Modernization	\$846,586
Orcutt Academy High School Multi-Use Room	\$444,945
Orcutt Junior High School Administration Building	\$1,682,758
Close out on previously reported projects	\$221,808
TOTAL EXPENDITURES FOR 2021/2022	\$5,183,184
Ending Balance as of June 30, 2022	\$7,649,156

Projects Successfully Completed by Bond Measure G

Capital Construction Projects Completed within the 2021-2022 Fiscal Year



**Olga Reed
Elementary School
Underground
Electrical Project**

Project total:
\$520,837.21
Year Completed
2022



**Joe Nightingale
Elementary School
Administration
Building Project
Phase II**

Project total:
\$2,338,876.95
Year Completed
2022



**Orcutt Jr. High
Administration
Building Project**

Project total:
\$3,220,185.95
Year Completed
2022

CURRENT MEASURE G PROJECTS

OAHS MUR Building



Architectural Rendering - Conceptual Design

Project:	Orcutt Academy High School Multi-Use Building
Board/Bid Action Item:	June 8, 2022
Anticipated Completion:	Spring 2024
Estimated Cost of Project:	\$11,896,751.00 (partially funded out of bonds not yet sold)

OLGA REED CLASSROOM MODERNIZATION



Project:	Olga Reed Classroom Modernization Project
Board/Bid Action Item:	April 13, 2022
Anticipated Completion:	March 31, 2023
Estimated Cost of Project:	\$3,659,702.72

2022 Orcutt Union School District Board of Trustees

Mr. Mark Steller
President

Mr. Shaun Henderson
Clerk

Ms. Lisa Morinini
Trustee

Ms. Liz Philips
Trustee

Ms. Melanie Waffle
Trustee

Holly Edds, Ed.D.
Board Secretary/Superintendent

To contact Orcutt Union School District regarding Bond
Measure G, or members of the Citizens' Oversight Committee,
Please call or email:

Julie Payne
Executive Assistant
To the Superintendent/Board of Trustees
Ph: 805-938-8907
ipayne@orcutt-schools.net



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D.

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Board Policy 3555 Nutrition Program Compliance

BACKGROUND: Policy updated to clarify that prohibited discrimination includes alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability. Policy also updated to reflect United States Department of Agriculture CRD memorandum 01-2022, "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing," which clarifies that prohibited sex discrimination includes discrimination on the basis of gender identity and sexual orientation. Policy also updated to include that complaints against a program operator that is not an educational agency shall be filed with or referred to the California Department of Education.

RECOMMENDATION: It is recommended that the Board of Trustees adopt the updated Board Policy 3555 as presented for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING: N/A

Nutrition Program Compliance

The Governing Board ~~The Board of Trustees~~ recognize the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate ~~against him/her~~ on any basis prohibited by law.

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)~~

~~(cf. 3550 – Food Service/Child Nutrition Program)~~

~~(cf. 3552 – Summer Meal Program)~~

~~(cf. 3553 – Free and Reduced Price Meals)~~

~~(cf. 5030 – Student Wellness)~~

Compliance Coordinator

The Board **shall** designate **a** the compliance coordinator for nutrition programs, who may also be the **compliance** officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing **the district's** ~~its~~ nutrition programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. **Providing the name of the compliance coordinator, the Section 504 coordinator, and Title IX coordinator, if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties**

~~1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties~~

~~(cf. 6164.6 – Identification and Education Under Section 504)~~

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

~~(cf. 6159 – Individualized Education Program)~~

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

Nutrition Program Compliance

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

~~(cf. 5141.27—Food Allergies/Special Dietary Needs)~~

9. Implementing procedures to process and resolve civil rights complaints, including alleged discrimination on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, or disability, and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary

~~9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary~~

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

~~(cf. 5022—Students and Family Privacy Rights)~~

~~(cf. 5125—Student Records)~~

~~(cf. 5145.13—Response to Immigration Enforcement)~~

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary **to participate in the nutrition programs, including program requirements and program availability.** ~~for participation.~~ Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

Nutrition Program Compliance

~~(cf. 5145.6—Parental Notifications)~~

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, **the most current version of the nondiscrimination** a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at **any of the following**: (5 CCR 15582)

Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
Phone: (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish)
Fax: (202) 690-7442
Email program.intake.usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

~~(cf. 1312.3—Uniform Complaint Procedures)~~

Complaints Regarding Noncompliance with Program Requirements

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses **in relation to any child nutrition program specified in Education Code 49550-49564.5 shall be filed with or referred to CDE.** ~~shall be filed with or referred to CDE.~~ (Education Code 49556; 5 CCR 15584)

Nutrition Program Compliance

Complaints against a program operator that is not an educational agency shall be filed with or referred to CDE. (5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's **duly authorized representative** ~~parent/guardian~~ by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583) unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

State:

5CCR 15580-15584: Child nutrition programs complaint procedures

5CCR 3080: Applicability of uniform complaint procedures to complaints regarding students with disabilities

5CCR 4600-4670: Uniform complaint procedures

5 CCR 4900-4965: Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-262.4: Prohibition of discrimination

Ed Code 42238.01: Definitions for purposes of funding

Ed Code 48985: Notices to parents in language other than English

Ed Code 49060-49079: Student records

Ed Code 49490-49590: Child nutrition programs

Pen. Code 422.6: Crimes; harassment

Federal:

20 USC 1400-1482: Individuals with Disabilities Education Act

20 USC 1681-1688: Title IX of the Education Amendments of 1972; discrimination based on sex

28 CFR 35.101-35.190: Americans with Disabilities Act

28 CFR 36.303: Nondiscrimination on the basis of disability; public accommodations; auxiliary aids and services

29 USC 794: Rehabilitation Act of 1973; Section 504

34 CFR 100.1-100.13: Nondiscrimination in federal programs; effectuating Title VI

Nutrition Program Compliance

34 CFR 104.1-104.39: Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61: Discrimination on the basis of sex; effectuating Title IX
34 CFR 106.9: Severability
42 USC 12101-12213: Americans with Disabilities Act
42 USC 2000d-2000d-7: Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17: Title VII, Civil Rights Act of 1964, as amended
7 CFR 210.19: National School Lunch Program; additional responsibilities
7 CFR 210.23: National School Lunch Program; district responsibilities
7 CFR 215.14: Special Milk Program; nondiscrimination
7 CFR 215.7: Special Milk Program; requirements for participation
7 CFR 220.13: School Breakfast Program; special responsibilities of state agencies
7 CFR 220.7: School Breakfast Program; requirements for participation
7 CFR 225.11: Summer Food Service Program; corrective action procedures
7 CFR 225.3: Summer Food Program; administration
7 CFR 225.7: Summer Food Service Program; program monitoring
7 CFR 226.6: Child and Adult Care Food Program; state agency administrative responsibilities
7 CFR 250.15: Out-of-condition donated foods, food recalls, and complaints

Management Resources:

California Department of Education Publication: Civil Rights and Complaint Procedures, U.S. Department of Agriculture Child Nutrition Programs, June 2018
U. S. Department of Agriculture Publication: USDA Nondiscrimination Statement, December 2022
U. S. Department of Agriculture Publication: Application of Bostock v. Clayton County to Program Discrimination Complaint Processing – Policy Update, CRD 01-2022, May 2022
U. S. Department of Agriculture Publication: Civil Rights Compliance and Enforcement-Nutrition Programs and Activities, FNS Instruction 113-1, November 2005
U.S. DOE Office for Civil Rights Publication: Notice of Non-Discrimination, August 2010
Website: U. S. Department of Agriculture, And Justice for All Posters
Website: CSBA District and County Office of Education Legal Services
Website: U.S. Department of Agriculture, Office for Civil Rights
Website: U.S. Department of Agriculture, Office for Civil Rights
Website: California Department of Education, Nutrition Services Division
Website: U.S. Department of Education, Office for Civil Rights

Legal Reference:

~~EDUCATION CODE~~

~~200-262.4 Prohibition of discrimination~~

~~42238.01 Definitions for purposes of funding~~

~~48985 Notices to parents in language other than English~~

~~49060-49079 Student records~~

~~49490-49590 Child nutrition programs~~

~~PENAL CODE~~

~~422.6 Interference with constitutional right or privilege~~

~~CODE OF REGULATIONS, TITLE 5~~

~~3080 Application of section~~

~~4600-4670 Uniform complaint procedures~~

~~4900-4965 Nondiscrimination in elementary and secondary education programs~~

~~15580-15584 Child nutrition programs complaint procedures~~

~~UNITED STATES CODE, TITLE 20~~

~~1400-1482 Individuals with Disabilities in Education Act~~

~~1681-1688 Discrimination based on sex or blindness, Title IX~~

Nutrition Program Compliance

~~UNITED STATES CODE, TITLE 29~~

~~794 Section 504 of the Rehabilitation Act of 1973~~

~~UNITED STATES CODE, TITLE 42~~

~~2000d-2000d-7 Title VI, Civil Rights Act of 1964~~

~~2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended~~

~~12101-12213 Americans with Disabilities Act~~

~~CODE OF FEDERAL REGULATIONS, TITLE 7~~

~~210.19 National School Lunch Program, additional responsibilities~~

~~210.23 National School Lunch Program, district responsibilities~~

~~215.7 Special Milk Program, requirements for participation~~

~~215.14 Special Milk Program, nondiscrimination~~

~~220.7 School Breakfast Program, requirements for participation~~

~~220.13 School Breakfast Program, special responsibilities of state agencies~~

~~225.3 Summer Food Service Program, administration~~

~~225.7 Summer Food Service Program, program monitoring~~

~~225.11 Summer Food Service Program, corrective action procedures~~

~~226.6 Child and Adult Care Food Program, state agency administrative responsibilities~~

~~250.15 Out-of-condition donated foods, food recalls, and complaints~~

~~CODE OF FEDERAL REGULATIONS, TITLE 28~~

~~35.101-35.190 Americans with Disabilities Act~~

~~36.303 Auxiliary aids and services~~

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI~~

~~104.1-104.39 Section 504 of the Rehabilitation Act of 1973~~

~~106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:~~

~~106.9 Dissemination of policy~~

~~Management Resources:~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018-~~

~~U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE-
PUBLICATIONS~~

~~Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction-
113-1, November 2005~~

~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS~~

~~Notice of Non-Discrimination, August 2010~~

~~WEB SITES~~

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

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

~~U.S. Department of Agriculture, Office for Civil Rights: <http://www.acer.usda.gov>~~

~~U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>~~



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Board Policy 5030 Student Wellness

BACKGROUND: Policy updated to reflect new federal regulations (81 Fed Reg. 50151) which address the content of the wellness policy, assurance of stakeholder participation in the development and updates of the policy and periodic assessment and disclosure of compliance. Policy also reflects new state law (SB 1169, 2016) which no longer requires posting of district policy on nutrition and physical activity within cafeterias/eating areas, but does require annually informing the public of the content and implementation of the policy.

RECOMMENDATION: It is recommended that the Board of Trustees adopt the updated Board Policy 5030 as presented for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING:

STUDENT WELLNESS

The ~~Board of Trustees~~ **Governing Board** recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

~~(cf. 3513.3—Tobacco Free Schools)~~

~~(cf. 5131.6—Alcohol and Other Drugs)~~

~~(cf. 5141—Health Care Emergencies)~~

~~(cf. 5141.22—Infectious Diseases)~~

~~(cf. 5141.3—Health Examination)~~

~~(cf. 5141.31—Immunizations)~~

~~(cf. 5141.6—School Health Services)~~

~~(cf. 6142.1—Sexually Transmitted Diseases and HIV/AIDS Prevention Instruction)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

School Wellness Council

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b, 7 CFR ~~210.30~~ **210.31**)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness council or other district committee and a wellness coordinator. The Council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before-and after-school program staff, health practitioners, and/or others interested in school health issues.

~~(cf. 1220—Citizen Advisory Committees)~~

The Superintendent or designee may make available to the public and school community a list of the names, position titles, and contact information of the wellness council members.

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

STUDENT WELLNESS

Goals for Nutrition, Physical Activity, and other Wellness Activities

The Board shall adopt goals for nutrition promotion and education, physical activity, and other school- based activities that promote student wellness. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. (42 USC 8b; 7 CFR 210.30 ~~1758b~~; 7 CFR 210.31)

~~(cf. 0000—Mission)~~
~~(cf. 0200—Core Values for the School District)~~

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, and shall be designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

~~(cf. 6011—Academic Standards)~~
~~(cf. 6142.7—Physical Education and Activity)~~
~~(cf. 6142.8—Comprehensive Health Education)~~ (cf. 6143—Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

~~(cf. 5148.2—Before/After School Programs)~~
~~(cf. 6177—Summer Learning Programs)~~

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and/or after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

~~(cf. 6145—Extracurricular and Co-curricular Activities)~~
~~(cf. 6145.2—Athletic Competition)~~

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students' access to opportunity

STUDENT WELLNESS

for physical activity.

Professional development may be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

~~(cf. 5131.2—Bullying)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees.

Nutritional Guidelines for Foods Available at School

For all foods available on each campus during the school day, the district shall adopt nutritional guidelines which are consistent with 42 USC 1758, 1766, 1773 and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

~~(cf. 3550—Food Service/Child Nutrition Program)~~

~~(cf. 3553—Free and Reduced Price Meals)~~

~~(cf. 5141.27—Food Allergies/Special Dietary Needs)~~

~~(cf. 5148—Child Care and Development)~~

~~(cf. 5148.3—Preschool/Early Childhood Education)~~

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area in accordance with Education Code 38086 and 42 USC

STUDENT WELLNESS

1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

The Board believes that **all** foods and beverages sold to students at district schools, including those available outside the district's **reimbursable** food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the district for **all** foods and beverages **provided through** student stores, vending machines, or other venues shall meet or exceed state and federal nutritional standards.

~~(cf. 3312—Contracts)~~

~~(cf. 3554—Other Food Sales)~~

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage school organizations to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be held after the lunch period when possible.

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (Education Code **49431.9**; 7 CFR 210.31)

~~(cf. 1325—Advertising and Promotion)~~

Program Implementation and Evaluation

The Superintendent shall designate the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's wellness policy. (42 USC 1758b; 7 CFR ~~210.30~~ **210.31**)

Assistant Superintendent, Business Services
(805)938-8900
sknight@orcutt-schools.net

~~(cf. 0500—Accountability)~~

~~(cf. 3555—Nutrition Program Compliance)~~

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years (42 USC 1758b; 7 CFR ~~210.30~~ **210.31**).

STUDENT WELLNESS

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to number of students eligible for that program
4. Extent to which foods sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with national standards
5. Extend to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentive, comply with nutrition standards.
6. Results of the state's physical fitness test
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

STUDENT WELLNESS

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform the **public** about the content and implementation of the district's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (**Education Code 49432; 42 USC 1758b, 7 CFR ~~210.30~~ 210.31**)

~~(cf. 5145.6—Parental Notifications)~~

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR ~~210.30~~ **210.31**, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR ~~210.30~~ **210.31**)

State:

5 CCR 15500-15501: Food sales by student organizations

5 CCR 15510: Mandatory meals for needy students'

5 CCR 15530-15535: Nutrition education

5 CCR 15550-15565: School lunch and breakfast programs

Ed. Code 33350-33354: CDE responsibilities re: physical education

Ed. Code 38086: Free fresh drinking water

Ed. Code 49430-49434: Pupil Nutrition, Health, and Achievement Act of 2001

STUDENT WELLNESS

Ed. Code 49490-49494: School breakfast and lunch programs
Ed. Code 49500-49505: School meals
Ed. Code 49510-49520: Nutrition
Ed. Code 49530-49536: Child Nutrition Act
Ed. Code 49540-49546: Child care food program
Ed. Code 49547-49548.3: Comprehensive nutrition services
Ed. Code 49550-49562: Meals for needy students
Ed. Code 49565-49565.8: California Fresh Start pilot program
Ed. Code 49570: National School Lunch Act
Ed. Code 51210: Course of study, grades 1-6
Ed. Code 51210.1-51210.2: Physical education, grades 1-6
Ed. Code 51210.4: Nutrition education
Ed. Code 51220: Course of study, grades 7-12
Ed. Code 51222: Physical education
Ed. Code 51223: Physical educations, elementary schools
Ed. Code 51795-51797: School instructional gardens
Ed. Code 51880-51921: Comprehensive health education

Federal:

42 USC 1751-1769j: School Lunch Program
42 USC 1758b: Local wellness policy
42 USC 1771-1793: Child Nutrition Act, including:
42 USC 1773: School Breakfast Program
42 USC 1779: Rules and regulations, Child Nutrition Act
7 CFR 210.1-210.33: National School Lunch
7 CFR 210.31: Wellness Policy
7 CFR 220.1-220.22: National School Breakfast Program

Management Resource:

California Department of Education Publication: Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009
California Department of Education Publication: Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
California Project Lean Publication: Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006
Center for Collaborative Solutions: Changing Lives, Savings Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity, and Food Security in Afterschool Programs, January 2015
Centers for Disease Control&Prevention Publication: School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide: A Self-Assessment and Planning Guide, 2012
Court Decision: Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781
CSBA Publication: Integrating Physical Activity into the School Day, Governance Brief, April 2016
CSBA Publication: Increasing Access to Drinking Water in Schools, Policy Brief, April 2013
CSBA Publication: Mentoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012
CSBA Publication: Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012
CSBA Publication: Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
CSBA Publication: Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication: Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
CSBA Publication: Physical Education and California Schools, Policy Brief, rev. October 2007
CSBA Publication: School-Based Marketing of Foods and Beverages: Policy Implications for School Boards,

STUDENT WELLNESS

Policy Brief, March 2006

CSBA Publication: Physical Activity and Physical Education in California Schools, Research Brief, April 2010

Website: CSBA District and County Office of Education Legal Services

Website: California Project LEAN (Leaders Encouraging Activity and Nutrition)

Website: California School Nutrition Association

Website: Center for Collaborative Solutions

Website: Dairy Council of California

Website: National Alliance for Nutrition and Activity

Website: National Association of State Boards of Education

Website: School Nutrition Association

Website: Society for Nutrition Education

Website: U.S. Department of Agriculture, Food Nutrition Service, wellness policy

Website: Action for Healthy Kids

Website: Alliance for a Healthier Generation

Website: California Department of Education, Nutrition Services Division

Website: California Department of Public Health

Website: California Healthy Kids Resource Center

Website: Centers for Disease Control and Prevention

Website: CSBA

Legal Reference:-

EDUCATION CODE

~~33350-33354 CDE responsibilities re: physical education~~

~~38086 Free fresh drinking water~~

~~49430-49434 Pupil Nutrition, Health, and Achievement Act of~~

~~2001-49490-49494 School breakfast and lunch programs~~

~~49500-49505 School meals~~

~~49510-49520 Nutrition~~

~~49530-49536 Child Nutrition Act~~

~~49540-49546 Child care food program~~

~~49547-49548.3 Comprehensive nutrition services~~

~~49550-49561 Meals for needy students~~

~~49565-49565.8 California Fresh Start pilot program 49570-~~

~~National School Lunch Act~~

~~51210 Course of study, grades 1-6~~

~~51210.1-51210.2 Physical education, grades 1-6~~

~~51210.4 Nutrition education~~

~~51220 Course of study, grades 7-12~~

~~51222 Physical education~~

~~51223 Physical educations, elementary schools 51795-~~

~~51796.5 School instructional gardens~~

~~51880-51921 Comprehensive health education~~

CODE OF REGULATIONS, TITLE 5

~~15500-15501 Food sales by student organizations~~

~~15510 Mandatory meals for needy students'~~

~~15530-15535 Nutrition education~~

~~15550-15565 School lunch and breakfast programs~~

UNITED STATES CODE, TITLE 42

~~1751-1769 National School Lunch Program, especially:-~~

STUDENT WELLNESS

~~1758b Local wellness policy~~

~~1771-1791 Child Nutrition Act, including: 1773 School Breakfast Program~~

~~1779 Rules and regulations, Child Nutrition Act CODE OF FEDERAL REGULATIONS, TITLE 7~~

~~210.1-210.31 National School Lunch Program~~

~~220.1-220.21 National School Breakfast Program COURT DECISIONS~~

~~Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781~~

~~Management Resources:~~

~~CSBA PUBLICATIONS~~

~~Integrating Physical Activity into the School Day, Governance Brief, April 2016~~

~~Increasing Access to Drinking Water in Schools, Policy Brief, April 2013~~

~~Mentoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012 Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012 Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012~~

~~Building Healthy Communities: A School Leader’s Guide to Collaboration and Community Engagement, 2009~~

~~Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009~~

~~Physical Education and California Schools, Policy Brief, rev. October 2007~~

~~School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009 Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003 CALIFORNIA PROJECT LEAN PUBLICATIONS~~

~~Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006 CENTER FOR COLLABORATIVE SOLUTIONS~~

~~Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity, and Food Security in Afterschool Programs, January 2015~~

~~CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS~~

~~School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide: A Self-Assessment and Planning Guide, 2012~~

~~FEDERAL REGISTER~~

~~Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170~~

~~NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS~~

~~Fit, Healthy and Ready to Learn, 2000~~

~~Students~~

~~BP 5030 (h)~~

STUDENT WELLNESS

~~U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS~~

~~Dietary Guidelines for Americans, 2015~~

~~WEB SITES~~

STUDENT WELLNESS

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

California Department of Education, Nutrition Services Division:-

<http://www.cde.ca.gov/ls/nu> California Department of Public Health:-

<http://www.cdph.ca.gov>

California Healthy Kids Resource Center:-

<http://www.californiahealthykids.org> California Project LEAN-

(Leaders Encouraging Activity and Nutrition):-

<http://www.californiaprojectlean.org>

California School Nutrition Association:-

<http://www.calsna.org> Center for Collaborative Solutions:-

<http://www.cesecenter.org>

Centers for Disease Control and Prevention:-

<http://www.cdc.gov> Dairy Council of California:-

<http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity:-

<http://www.espinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service,-

wellness policy:-

http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

U.S. Department of Agriculture, Healthy Meals Resource-

System: <http://healthymeals.fns.usda.gov>

Policy Adopted: 04/12/2017 6/14/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Resolution No. 18: Request for a Waiver of Attendance Requirements Due to Emergency Conditions, District and Charter

BACKGROUND: We are required to provide a minimum number of instructional days as well as a minimum number of minutes of instruction each year. Whenever we are closed unexpectedly, it has a negative impact on our ability to meet these minimum requirements. The State of California has a process where we can request a waiver of the requirements due to emergency conditions. Without this waiver, the district and the charter would be financially penalized, and most likely be required to make up the lost minutes and days of instruction.

The Governor of California declared a State of Emergency in Santa Barbara County in January 2023 as a result of significant winter storms that threatened property and public safety throughout large portions of the state.

On the advice of local emergency services, the District closed all offices and school sites, including the charter school sites, on Tuesday, January 10, 2023 in order to protect the safety of our students and staff and to allow time for improving weather conditions.

RECOMMENDATION: Staff recommends that the Board of Trustees adopt Resolution No. 18, for the district and charter, allowing for the submission of a request for a waiver of attendance requirements due to emergency conditions.

FUNDING: N/A

ORCUTT UNION SCHOOL DISTRICT

Resolution No. 18

IN THE MATTER OF: DISTRICT TO REQUEST ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS

The following RESOLUTION was duly passed by the Board of Trustees of the Orcutt Union School District, at a regular meeting held on the 10th of May 2023, by the following roll call vote:

Shaun Henderson	_____
Lisa Morinini	_____
Liz Phillips	_____
Mark Steller	_____
Melanie Waffle	_____

Signed and approved by me after its passage:

Shaun Henderson, President

Attest:

Lisa Morinini, Clerk

WHEREAS, the Governor of California declared a State of Emergency in Santa Barbara County in January 2023 as a result of significant winter storms that threatened property and public safety throughout large portions of the state.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: that the district closed the school district office and school sites, including the charter school sites, on Tuesday, January 10, 2023 in order to protect the safety of our students and staff and to allow time for the weather conditions.

AYES:
NOES:
ABSENT:



EDUCATIONAL SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D.

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Resolution No. 20: Request for a Waiver of Attendance Due to Emergency Conditions, Early Learning Center (ELC)

BACKGROUND: When a California State Preschool Program (CSPP) facility needs to close for a day or more due to an emergency, CSPP guidelines indicate a board resolution is needed in association with any request to have the requirement for student attendance waived for that period of time. At the behest of the Santa Barbara County Office of Emergency Management, our district's CSPP facility, the Orcutt Early Learning Center, was closed on Tuesday, January 10, 2023, due to severe rainstorms and flooding in our area. Accordingly, we are presenting 2022/2023 Board Resolution No. 20, which approves our preschool's emergency closure and requests the waiving of attendance requirements due to emergency conditions.

RECOMMENDATION: Staff recommends that the Board of Trustees approve Resolution No. 20: Request for a Waiver of Attendance Due to Emergency Conditions, Early Learning Center (ELC).

FUNDING: This resolution will be part of our district's effort to ensure that the Orcutt Early Learning Center will lose no funding due to its emergency closure on January 10, 2023.

**ORCUTT UNION SCHOOL DISTRICT
COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA RESOLUTION
AUTHORIZING THE EMERGENCY CLOSURE
OF THE ORCUTT EARLY LEARNING CENTER**

2022/2023 RESOLUTION NO. 20

WHEREAS, the Governor of California declared a State of Emergency throughout California in January of 2023 to support the response to winter storms; and

WHEREAS, Orcutt, CA, and the surrounding communities experienced severe weather and flooding on Tuesday, January 10, 2023, and the District closed its California State Preschool Program (CSPP), the Orcutt Early Learning Center, on that date in order to comply with an emergency order from the Santa Barbara County Office of Emergency Management; and

WHEREAS, the Superintendent or designee notified the appropriate employees and parents/guardians that school would be closed on January 10, 2023; and

WHEREAS, students attended school on January 9, 2023, and January 11, 2023, but were on Winter Break the three weeks prior to January 9, 2023;

NOW, THEREFORE, BE IT RESOLVED that the governing board of the Orcutt Union School District hereby approves the emergency closure of the Orcutt Early Learning Center and asks the California Department of Education to approve the request for emergency closure during the current 2022-2023 CSPP contract year and waive attendance requirements due to emergency conditions.

BE IT FURTHER RESOLVED that the Superintendent or designee shall be authorized to apply for any and all applicable emergency relief.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DATED: May 10, 2023 BOARD OF TRUSTEES, ORCUTT UNION SCHOOL DISTRICT

By: _____
Shaun Henderson, Board President



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Resolution No. 19: Relocation of Orcutt Union School District-Early Learning Center.

BACKGROUND: The Early Learning Center is currently located at the Orcutt Academy High School. Relocating to Joe Nightingale Elementary School, starting in August 2023, would provide a more age-appropriate setting for a preschool, and free up much needed rooms at Orcutt Academy High School.

RECOMMENDATION: Staff recommends that the Board of Trustees adopt Resolution No. 19, Relocation of Orcutt Union School District-Early Learning Center.

FUNDING: Fund 12

ORCUTT UNION SCHOOL DISTRICT

Resolution No. 19

IN THE MATTER OF: APPLICATION FOR RELOCATION OF ORCUTT UNION SCHOOL DISTRICT-EARLY LEARNING CENTER

The following RESOLUTION was duly passed by the Board of Trustees of the Orcutt Union School District, at a regular meeting held on the 10th of May 2023, by the following roll call vote:

Shaun Henderson	_____
Lisa Morinini	_____
Liz Phillips	_____
Mark Steller	_____
Melanie Waffle	_____

Signed and approved by me after its passage:

Shaun Henderson, President

Attest:

Lisa Morinini, Clerk

WHEREAS, the State of California application for relocation of Orcutt Union School District-Early Learning Center, currently located at 610 Pinal, Orcutt, CA 93455 to 255 Winter Rd, Santa Maria, CA 93455.

WHEREAS, we resolve to designate Kate McInerney, Principal, to act as our representative in all matters regarding obtaining and maintaining the license for the preschool.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: We approve Kate McInerney as the authorized person at the facility to represent the facility and to accept reports of licensing visits, consultations, and accusations and documents of civil and administrative process. In Kate McInerney's absence we authorize her to delegate these responsibilities to a Joe Dana when necessary.

AYES:
NOES:
ABSENT:



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D.

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Approve the Sale or Disposal of Books, Equipment, and Supplies

BACKGROUND: The items shown below will be sold or disposed of per Board Policy 3260. Every effort is made to reuse "extra" books, equipment and supplies prior to recommending sale or disposal through Board action. If possible, materials will be recycled accordingly prior to disposal. The District contracts with Public Surplus who provides an auction model designed to assist districts with surplus disposal by finding buyers for valuable assets through the eBay marketplace. Public Surplus manages the auction process in compliance with Education Code Sections 39520- 39530 and Board Policy 3260.

Quantity	Item	Method of Disposal
1	2002 Blue Bird 72 passenger bus, unable to fix	Auction/Recycle/Dispose
52	Mini diamond desks with cubby, no wheels	Auction/Recycle/Dispose
11	Mini diamond desks without cubby, no wheels	Auction/Recycle/Dispose
21	Double student desks	Auction/Recycle/Dispose
28	Rectangle desk	Auction/Recycle/Dispose
3	Folding cafeteria tables	Auction/Recycle/Dispose
4	Round tables	Auction/Recycle/Dispose
46	Single student executive desks	Auction/Recycle/Dispose
100	Misc. old style chairs	Auction/Recycle/Dispose
124	New style chairs	Auction/Recycle/Dispose
66	Mini diamond desks with cubby & wheels	Auction/Recycle/Dispose
12	Misc. file cabinets & bookshelves	Auction/Recycle/Dispose
200	HP 11 g4 and 11 g5 Chromebooks	Auction/Recycle/Dispose
332	Acer C720, C730, C740 Chromebooks	Auction/Recycle/Dispose

250	Lenovo N42-20 Chromebooks	Auction/Recycle/Dispose
68	LocknCharge Device Carts	Auction/Recycle/Dispose
45	Aver Device Charging Carts	Auction/Recycle/Dispose

RECOMMENDATION: Staff recommends that the Board of Trustees approve the sale and disposal of books, equipment and supplies as presented.

FUNDING: N/A



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Approve out of state travel for the Orcutt Union School District's Child Nutrition Director.

BACKGROUND: The School Nutrition Association's National Conference unites thousands of school nutrition program operators, industry partners, and allied organizations. The event will take place in Colorado from July 9-11, 2023 and will showcase new school nutrition products, educational sessions, culinary demonstrations, and trainings for audits and annual reviews. The event will also assist with planned program improvements, which is part of the required professional development needed for The Child Nutrition Director.

It will cost approximately \$2,400 to attend the conference, which includes, airfare, hotel, registration and meals.

The Child Nutrition Director attended this conference in 2018.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the travel for the Child Nutrition Director to attend the School Nutrition Association's National Conference.

FUNDING: Fund 13



Known as the School Nutrition Event of the Year, the School Nutrition Association's Annual National Conference (ANC) unites thousands of school nutrition program operators, industry partners, and allied organizations for an unparalleled educational and networking experience every July.

Submit an educational session! Answer the Call for Proposals for ANC 2023.



When

July 9, 2023

until

July 11, 2023

Website

anc.schoolnutrition.org

Location

Colorado Convention Center

By continuing to browse the site you are agreeing to our use of cookies and similar tracking technologies described in our [700 14th St](#) [privacy policy](#).

Denver, CO (Colorado) 80202

United States



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Sandra Knight
Assistant Superintendent, Educational Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Award of CUPPCCA Bid for Pine Grove Emergency Asphalt Paving Repair

BACKGROUND: The proposed CUPPCCA bid scope includes emergency asphalt paving repair of the Entrance Drive Isle at the Pine Grove Elementary School upper parking lot. A large 2-foot diameter pothole was discovered on the morning of April 10th (first day of OUSD spring break) at the entering drive isle of the parking lot. It was also observed that the eastern bordering edge of that originally placed asphalt pavement was also sinking. In-order to have the parking lot fully re-opened for staff and students by the following Monday, the contractor was directed to immediately remove the affected pavement and recompact areas where the subgrade was failing due to previous erosion issues caused by the originally designed (now removed) permeable paver system. The contractor was required to demolish, re-grade and repave 520 square feet of asphalt paving due to the subgrade failing at two large adjacent areas.

RECOMMENDATION: Staff recommends that the Board of Trustees award the CUPPCCA bid to RDZ Contractors, Inc. for \$19, 627.44, as they were the lowest, responsive and responsible bidder.

FUNDING: Fund 21 – Building Fund for the Measure G Bond.



EDUCATIONAL SERVICES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D.

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: SEE Learning Adoption for Orcutt Union School District

BACKGROUND: Why social/emotional learning? Research has shown that explicit instruction for students in self-management, self-awareness, social awareness, and relationship skills results in improved academic outcomes and improved behaviors at school. Social/emotional learning can be regarded as a foundation for learning and, ultimately, student success.

There could be no more ideal time than now for school districts to focus on social/emotional learning. Since schools returned to full-time instruction following COVID-19 closures, we have experienced a marked increase in severe behaviors, distractibility, and mental health issues among our students. What we see in our children points to a strong need for curriculum that can teach students to be compassionate with themselves and others and engage in positive relationships.

SEE Learning is such a curriculum. A K-12 education program developed at Emory University to provide educators with the tools to foster emotional, social, and ethical intelligence in students, SEE Learning draws educational research and includes nine components that are consistent across all age levels of the curriculum:

1. Attention and self-awareness
2. Self-compassion
3. Self-regulation
4. Interpersonal awareness
5. Compassion for others
6. Relationship skills
7. Appreciating interdependence

8. Recognizing common humanity
9. Community and global engagement

SEE Learning provides a full, developmentally staged curriculum comprised of over 40 20- to 40-minute learning experiences in these topics. Lessons are written in a straightforward way and are relatively easy for teachers to facilitate. Many lessons revolve around a topic, question, or scenario that students can discuss.

Orcutt schools have piloted SEE Learning since 2021, and the program has been well received by both students and teachers. This school year, a large number of our teachers and administrators have completed an overview of SEE Learning that is a first step toward implementing the program. We also have had three of our staff – retired administrator Janet Bertoldi, counselor Solana Gallegos, and TOSA Aniko Taubenheim – take a year-long SEE Learning facilitator certification course that enables them to train others in the curriculum.

As for implementing the curriculum, we propose to have district teachers implement 10 SEE Learning lessons – one per month – during the 2023-2024 school year, with teachers having the option to plan additional lessons if they desire. Our three facilitators are prepared to provide intensive guidance and support so teachers' initial SEE lessons are successful. We do believe that the plan for 10 lessons allows SEE Learning to have a positive impact while being respectful of other demands on instructional time.

Over the long term, we will follow the same cycle of continuous improvement with social/emotional learning that we have in place in other subject areas. We will engage school leadership teams and teachers in periodic discussions of what is working, what can be improved, what needs they and their students have, and what additional training is needed. We also will engage principals in discussions of how the initiative is proceeding at a schoolwide level. In the end, we understand the importance of SEE Learning for our students. We need to get started, and an adoption of SEE Learning as our curriculum for social/emotional learning puts us on that path.

RECOMMENDATION: Staff recommends that the Board of Trustees adopt SEE Learning as the Orcutt Union School District's curriculum for social/emotional learning for the 2023-2024 school year and beyond.

FUNDING: The SEE Learning curriculum from Emory University is free. For the 2023-2024 school year, we are budgeting \$5,000 toward additional professional development in the program. This sum would be utilized to pay our three trainers to prepare PD for staff and to pay trainers and participating staff for after-school work.



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Adopt Initial Collective Bargaining Proposal with Orcutt Educators Association for a 2023-2024 Successor Agreement

BACKGROUND: In accordance with law, the District's initial "sunshine" proposal for negotiations must be adopted by the Board at a public meeting. The proposal is available for review at the District Office and to allow the public opportunity to comment on the District's proposal a public hearing will be held this evening. Following the public hearing and Board ratification of this proposal, negotiations may commence.

RECOMMENDATION: It is recommended that the Board of Trustees adopt the District's initial proposal for negotiations with the Orcutt Educators Association for a 2023-2024 Successor Agreement.

FUNDING: The financial impact will be determined by the final agreement reached between the District and the Orcutt Educators Association.

Orcutt Union School District

Governing Board Initial Collective Bargaining Proposal To Orcutt Educators Association (OEA)

**For a successor agreement
2023-2024**

The Orcutt Union School District Governing Board presents its initial proposal for a successor collective bargaining agreement between the District and the Orcutt Educators Association (OEA).

The Board presents this initial proposal to enable members of the public to be informed about the issues that will be negotiated and to have an opportunity to express their views on the issues to the District Governing Board.

The District proposes to negotiate the following articles to address current operations and expected needs of the District due to budget and funding concerns:

1. Article VI - Evaluation
2. Article IX – Working Days and Hours
3. Article X – Compensation



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Accept 2023/2024 Initial Collective Bargaining Proposal from
Orcutt Educators Association

BACKGROUND: Orcutt Educators Association has presented the Board with their initial proposal for negotiations for the 2023/2024 school year. The Association wishes to negotiate the attached contract articles:

RECOMMENDATION: It is recommended that the Board of Trustees accept the initial proposal for negotiations for the 2023/2024 school year from Orcutt Educators Association

FUNDING: The financial impact will be determined by the final agreement reached between the District and Orcutt Educators Association.

Orcutt Educators Association
Initial Contract Proposal
May 4, 2023

Pursuant to Article XXII, section 3, of the Orcutt Educators Association's (OEA/CTA/NEA) Agreement, OEA is exercising its option to open negotiations for the 2023-24 school year. OEA chooses to open on the following items in the contract:

Article VIII – Class Size

Article X – Compensation

Article XIX – Safety



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: 2022-23 Resolution No. 16
Declaration of Need for the Orcutt Union School District

BACKGROUND: The District has the need to submit a Declaration of Need for Fully Qualified Educators for the 2023-24 school year as follows: Eight (8) Emergency CLAD Permits, and nine (9) Limited Assignment Permits.

RECOMMENDATION: Staff recommends that the Board of Trustees adopt the Declaration of Need for Fully Qualified Educators certifying that the District has the potential need to issue eight (8) Emergency CLAD Permits, and nine (9) Limited Assignment Permits during the 2023-24 school year.

FUNDING: N/A

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California 93455

2022-23 RESOLUTION NO. 16
DECLARATION OF NEED

WHEREAS, it is anticipated that during the 2023-24 school year there will be an insufficient number of certificated persons who meet the specified employment criteria for certain positions in programs operated by the Orcutt Union School District; and

WHEREAS, based upon prior experience, it is anticipated that it will be necessary to submit applications for approximately seventeen (17) emergency permits for the teaching of classes authorized by Emergency permits for CLAD, Resource Specialists, and Limited Assignment credentials; and

WHEREAS, our efforts to recruit certificated personnel include extensive advertising on the internet, posting on district website and contacting college and university placement centers; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Board of the Orcutt Union School District adopt an official Declaration of Need to be submitted to the California Commission on Teacher Credentialing to remain in force until June 30, 2024.

PASSED AND ADOPTED by the Board of Trustees of the Orcutt Union School District, Santa Barbara County, California, this 10th day of May 2023, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

STATE OF CALIFORNIA]
COUNTY OF SANTA BARBARA]

President, Board of Trustees

I, Lisa Morinini, Clerk of the Board of Trustees of the ORCUTT UNION SCHOOL DISTRICT, hereby certify that the foregoing is a true copy of a resolution duly and legally adopted as a consent action item by the District's Governing Board at a legal meeting of said Board duly and regularly held on May 10, 2023 and that said resolution has not been revoked.

Clerk, Board of Trustees



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: 2022-23 Resolution No. 17
Declaration of Need for the Orcutt Academy Charter Schools

BACKGROUND: The Charter has the need to submit a Declaration of Need for Fully Qualified Educators for the 2023-24 school year as follows: Three (3) Emergency CLAD Permits.

RECOMMENDATION: Staff recommends that the Board of Trustees adopt the Declaration of Need for Fully Qualified Educators certifying that the Charter has the potential need to issue three (3) Emergency CLAD Permits during the 2023-24 school year.

FUNDING: N/A

**ORCUTT UNION SCHOOL DISTRICT &
ORCUTT ACADEMY CHARTER SCHOOLS**
Orcutt, California 93455

2022-23 RESOLUTION NO. 17
DECLARATION OF NEED

WHEREAS, it is anticipated that during the 2023-24 school year there will be an insufficient number of certificated persons who meet the specified employment criteria for certain positions in programs operated by the Orcutt Academy Charter Schools under the direction of the Orcutt Union School District; and

WHEREAS, based upon prior experience, it is anticipated that it will be necessary to submit applications for approximately three (3) emergency permits for the teaching of classes authorized by Emergency permits for CLAD, Resource Specialists, and Limited Assignment credentials; and

WHEREAS, our efforts to recruit certificated personnel include extensive advertising on the internet, posting on district website and contacting college and university placement centers; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Board of the Orcutt Union School District adopt an official Declaration of Need to be submitted to the California Commission on Teacher Credentialing to remain in force until June 30, 2024.

PASSED AND ADOPTED by the Board of Trustees of the Orcutt Union School District, Santa Barbara County, California, this 10th day of May 2023, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

STATE OF CALIFORNIA]
COUNTY OF SANTA BARBARA]

President, Board of Trustees

I, Lisa Morinini, Clerk of the Board of Trustees of the ORCUTT UNION SCHOOL DISTRICT, hereby certify that the foregoing is a true copy of a resolution duly and legally adopted as a consent action item by the District's Governing Board at a legal meeting of said Board duly and regularly held on May 10, 2023 and that said resolution has not been revoked.

Clerk, Board of Trustees



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Orcutt Union School District and the University of Massachusetts Global Supervised Internship Agreement

BACKGROUND: University of Massachusetts Global (aka UMassGlobal) is requesting approval of the Supervised Internship Agreement with the Orcutt Union School District for the School of Education for Single Subject, Multiple Subjects and Special Education and the School of Psychology and School Counseling programs.

RECOMMENDATION: It is recommended that the Board of Trustees approve University of Massachusetts Global Supervised Internship Agreement for the School of Education for Single Subject, Multiple Subjects and Special Education and the School of Psychology and School Counseling programs with the Orcutt Union School District.

FUNDING: N/A

SUPERVISED INTERNSHIP AGREEMENT

Please check below all the applicable supervised internship programs in which your District will be participating with University of Massachusetts Global.

SINGLE SUBJECT	<input checked="" type="checkbox"/>	SCHOOL PSYCHOLOGY	<input checked="" type="checkbox"/>
MULTIPLE SUBJECTS	<input checked="" type="checkbox"/>	SCHOOL COUNSELING	<input checked="" type="checkbox"/>
SPECIAL EDUCATION	<input checked="" type="checkbox"/>	EDUCATION ADMINISTRATION	<input type="checkbox"/>

THIS AGREEMENT is made and entered into by and between University of Massachusetts Global hereinafter called the "UNIVERSITY," and the Orcutt Union School District, hereinafter called "FIELDWORK SITE."

WHEREAS, an INTERN, as defined in Appendix A, is required to enroll in education courses while serving under the supervision of experienced UNIVERSITY and FIELDWORK SITE professionals, during which time the INTERN shall hold an internship credential granted by the California Commission on Teacher Credentialing, (hereinafter the "COMMISSION").

I. RESPONSIBILITIES OF THE UNIVERSITY

- A. The UNIVERSITY will assure that the student shall have completed the necessary educational prerequisites, if so required, to be eligible for supervised fieldwork. For intern teachers, this includes the minimum number of preservice hours required by the CTC for issuance of the Intern Credential.
- B. Each Intern shall apply for the Internship Credential through the Teacher Accreditation Department at University of Massachusetts Global, upon verification of employment from the School District.
- C. The UNIVERSITY shall designate a faculty or staff member to coordinate, consult, and collaborate with the classroom teacher or district designee of the FIELDWORK SITE, the activities of each student assigned to FIELDWORK SITE and student fieldwork experience.
- D. 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 faculty or staff member and the FIELDWORK SITE supervisor.

II. RESPONSIBILITIES OF THE FIELDWORK SITE

- A. The FIELDWORK SITE shall provide field experiences in such schools or classes of the 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 and the UNIVERSITY.
- B. The FIELDWORK SITE shall provide students with experiences with a student population that is diverse in terms of ethnicity, culture, language, socio-economics and/or special needs.
- C. The FIELDWORK SITE staff will promptly and thoroughly investigate any complaint by any participating student of unlawful discrimination or harassment at the FIELDWORK SITE or involving employees or

agents of the FIELDWORK SITE, take prompt and effective remedial action when discrimination or harassment is found to have occurred, and promptly notify the UNIVERSITY of the existence and outcome of any complaint of harassment by, against, or involving any participating student.

- D. To notify the UNIVERSITY of any change in its personnel, operation, or policies which may affect the field education experience.
- E. 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.
- F. The FIELDWORK SITE staff shall comply with APPENDIX B regarding the FIELDWORK SITE's supervision of UNIVERSITY students.
- G. The FIELDWORK SITE acknowledges that each INTERN under this Agreement shall be a paid employee of the FIELDWORK SITE and thus covered under the FIELDWORK SITE'S insurance policies, including Workers' Compensation, to the extent available to other teachers. No intern shall be considered an employee or agent of University of Massachusetts Global while performing services for the District.

III. THE PARTIES MUTUALLY AGREE

- A. Neither party shall discriminate in the assignment of INTERNS on the basis of race, color, disability, gender, religion, national origin, ancestry, sexual orientation, or any other basis prohibited by law.
- 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:

Orcutt Union School District
500 Dyer Street
Orcutt, CA 93455
Attn: MaryJane Dwyer
Phone: 805-938-8900

UNIVERSITY CONTACT INFORMATION:

University of Massachusetts Global
16355 Laguna Canyon Road
Irvine, CA 92618
Attn: School of Education, Dean
Fax: (800) 775-0128

- D. If any term or provision of this Agreement is for any reason held to be invalid, such invalidity shall not affect any other term or provision, and this Agreement shall be interpreted as if such term or provision had never been contained in this Agreement.
- E. In the event of any material default under this Agreement, which default remains uncured for a period of twenty-one (21) days after receipt of written notice of such default, or in the event of the loss of WASC accreditation by the UNIVERSITY, this Agreement may be immediately terminated by the non-defaulting party.
- F. This Agreement fully supersedes any and all prior agreements or understandings between the parties or any of their respective affiliates with respect to the subject matter hereof. No change, modification, addition, amendment, or supplement to this Agreement shall be valid unless set forth in writing and signed and dated by both parties hereto subsequent to the execution of this Agreement.

- G. This Agreement shall be construed in accordance with the laws of the State of California in effect at the time of the execution of this Agreement. Should either party institute legal action to enforce any obligation contained herein, it is agreed that the proper venue of such suit or action shall be Orange County, California.

IV. TERM AND TERMINATION OF AGREEMENT

- A. THE TERM of this Agreement shall be effective 06/30/2023 and shall continue in full force and effect through 06/30/2026. This Agreement may be renewed for one (1) additional term of the contract by mutual written consent of the parties.
- B. THIS AGREEMENT may be terminated by either the UNIVERSITY or the FIELDWORK SITE with or without cause upon thirty (30) days written notice provided that (subject to the other terms of this Agreement) all students performing fieldwork at the time of notice of termination are given the opportunity to complete their fieldwork at the Fieldwork Site.

SIGNATURES:

FIELDWORK SITE: Signature: _____
Name: Dr. Holly Edds
Title: Superintendent
Date: 05/10/2023

UNIVERSITY: Signature: _____
Name: Phillip L. Doolittle
Title: Executive Vice Chancellor of Finance and
Administration and Chief Financial Officer
Date: _____

Appendix A
Definition of Internship

- A. "INTERN" is defined according to the COMMISSION as a person who is enrolled in a COMMISSION-approved internship program and is serving with an Internship Credential issued upon the recommendation of the UNIVERSITY.
- B. INTERNS shall not displace certificated FIELDWORK SITE employees. FIELDWORK SITE further agrees to provide written certification that no person with the appropriate credential, background and qualifications is interested and/or available in the position that is the subject matter of this Agreement.
- C. The internship may continue for a period of up to two years and the credential may be renewed upon a showing of good cause.
- D. The internship program is being implemented in order to provide the INTERN with an opportunity to gain field experience on a paid basis. In the event that the internship is being developed to meet an employment shortage, FIELDWORK SITE agrees to provide a statement regarding the availability of qualified, certificated individuals holding the appropriate credential.
- E. The Internship Credential is issued for service only in the FIELDWORK SITE District and the UNIVERSITY shall notify the COMMISSION of the FIELDWORK SITE'S participation.

Appendix B
Specific Supervision Requirements for Each Program

Intern Teachers:

- A. The intern assumes full teaching and legal responsibility for their classroom from the first day of the teaching assignment as a paid employee of the District for at least **one academic year**, subject to the District's personnel policies and State law(s).
- B. The intern will attend department and faculty meetings and parent-teacher conferences when appropriate. No intern may coach extracurricular activities nor be required to attend meetings that present a conflict with his/her internship responsibilities at University of Massachusetts Global.
- C. The intern is expected to attend all school and district in-service training sessions whenever possible. The intern will also attend assigned District and School orientations that occur prior to the start of the school. If there is a conflict between University and District training, University meetings shall take priority during the Internship period.
- D. Pursuant to California Education Code §44321, the supervision and support of interns is the responsibility of both the Commission-approved teacher preparation program and the employer. The Commission requires that each approved intern program must have a signed Memorandum of Understanding (MOU) outlining the respective responsibilities of the program and of the employer.

a. General Support and Supervision Provided to All Intern Teachers

The UNIVERSITY and DISTRICT together shall provide a minimum of 144 hours of support/mentoring and supervision to each intern teacher per school year including coaching, modeling, and demonstrating within the classroom, assistance with course planning and problem-solving regarding students, curriculum, and development of effective teaching methodologies. The minimum support, mentoring and supervision provided to an intern teacher who assumes daily teaching responsibilities after the beginning of a school year shall be equal to four hours times the number of instructional weeks remaining in the school year. A minimum of two hours of support/mentoring and supervision must be provided to an intern teacher every five instructional days.

i. The UNIVERSITY shall select supervisors that have current knowledge in their subject matter area; understand the context of public schooling; ability to model best professional practices in teaching and learning, scholarship and service; knowledge about diverse abilities, cultural, language, ethnic and gender diversity; and understanding of academic standards, frameworks, and accountability systems that drive the curriculum of public schools.

ii. The UNIVERSITY shall provide supervision and ongoing support for a minimum of 72 hours per school year. University supervisors will conduct classroom observations a minimum of four times each term that include pre and post observation discussions. Supervisors will maintain weekly contact with the intern to provide support related to planning, curriculum, and instruction in addition to problem solving regarding students.

iii. The DISTRICT shall select mentor teachers who meet the following qualifications:

1. valid corresponding Clear or Life credential in a subject area comparable to that of the intern's subject area,
2. three years successful teaching experience, and
3. the English Learner (EL) Authorization (if responsible for providing specified EL support).

If the mentor does not hold an EL Authorization, the district must identify an individual who does have a valid EL authorization and who is immediately available to assist the intern with planning lessons that are appropriately designed

and differentiated for English learners, for assessing language needs and progress, and to support language accessible instruction, through in-classroom modeling and coaching as needed.

- iv. The DISTRICT shall provide supervision and ongoing support for a minimum of 72 hours per school year with a minimum of two hours of support/mentoring and supervision per week. The mentor(s) role is to provide support specifically addressing issues in the intern's classroom (See Appendix B for examples of support/supervision activities). Interns without an English Language Authorization must also receive focused English Language instruction support.
- v. The UNIVERSITY shall provide orientation and training for the district mentors and university supervisors.
- vi. The UNIVERSITY provides the 10 hour CTC mandatory mentor training.
- vii. The DISTRICT requires mentors complete the CTC mandatory 10 hour training. Experienced mentors may be eligible to waive up to 8 hours of this training based on prior experience and professional development.
- viii. The University Supervisor and District Mentor shall meet together regularly with the intern to ensure the intern is following the California Teaching Performance Expectations.
- ix. The UNIVERSITY shall monitor the completion of university and employer-provided support/mentoring to ensure that interns teachers are receiving the minimum 144 hours of mentoring via forms submitted by the interns in LiveText.
- x. The District Mentor and site administrator shall participate in surveys that provide feedback to the university regarding the internship experience.
- xi. University may request use of video capture for candidate supervision, reflection, and CAL TPA completion to reflect to the extent possible Intern's knowledge, skills, and abilities to instruct TK-12 students while meeting state-adopted academic standards. School Site shall inform Teacher Education Credential Interns of video recording policies in place for the CAL TPA task video capture requirement.

b. Support and Supervision Specific to Teaching English Learners

The following additional support/mentoring and supervision shall be provided to an intern teacher who enters the program without a valid English learner authorization listed on a previously issued multiple subject, single subject, or education specialist instruction teaching credential; a valid English learner or Cross-cultural, Language and Academic Development (CLAD) authorization:

- i. The UNIVERSITY shall provide 45 hours of support/mentoring and supervision per school year, including in-classroom coaching, specific to the needs of English learners. The minimum support/mentoring and supervision provided to an intern teacher who assumes daily teaching responsibilities after the beginning of a school year shall be equal to five hours times the number of months remaining in the school year. The support/mentoring and supervision should be distributed in a manner that sufficiently supports the intern teacher's development of knowledge and skills in the instruction of English learners.

- ii. The DISTRICT shall identify an individual who will be immediately available to assist the intern teacher with planning lessons that are appropriately designed and differentiated for English learners, for assessing language needs and progress, and for support of language accessible instruction through in-classroom modeling and coaching as needed. The identified individual may be the same mentor assigned pursuant to section I above provided the individual possesses an English learner authorization and will be immediately available to assist the intern teacher. (See Appendix B for examples of support/supervision activities).
- iii. An individual who passes the California Teaching of English Learner (CTEL) examinations prior or subsequent to the issuance of the intern credential may be exempted from the additional 45 hours of support/mentoring and supervision specific to the needs of English learners.
- iv. The UNIVERSITY shall monitor the completion of university and employer-provided support/mentoring to ensure that interns teachers are receiving the minimum 45 hours of support/mentoring specific to the needs of English learners via forms submitted by the interns in LiveText.

School Counseling Fieldwork:

- A. Provide an average of one (1) hour of individual or one-and-one-half (1.5) hours of small group supervision per week from an experienced school counselor with at least two years of professional experience.
- B. The program assigns qualified supervisors and provides training based on the program's design.

Qualifications for supervisors must include, but are not limited to:

- a. Possession of a PPS School Counselor credential and a minimum of two years PPS experience as appropriate to the candidate's fieldwork setting.
- b. The University will provide materials for supervisors on training in models of supervision, the SCPEs, and program fieldwork requirements share responsibility for the quality of field experience, design of field experiences, quality of clinical progress, and assessment and verification of candidate competence.

Candidates are required to:

- c. Complete a minimum of eight hundred (800) clock hours in two of three school levels such as elementary, middle, high school with a minimum of two hundred (200) clock hours within each level. Two hundred (200) hours of the eight hundred (800) clock hours may be completed in other areas related to schools and/or counseling, such as field work hours needed for a Child Welfare and Attendance (CWA) authorization.
- d. Meet with their supervisor for one (1) hour of individual or one-and-one-half (1.5) hours of small group (limit 8 candidates per group) supervision per week. 600 clock hours are required in a public Pre-K-12 school, must be supervised by a professional who holds a valid PPS credential and is always also accessible to the candidate while the candidate is accruing fieldwork hours.

C. University Supervision Requirements include:

- e. One-and-one-half (1.5) hours per week of group supervision provided on a regular schedule throughout the field experience, usually performed by a program faculty member.

- f. The program provides preparation and continuing education for field experience supervisors on program requirements, models of supervision, and the SCPEs, in collaboration with site supervisors. Site Supervisors share responsibility for the quality of field experience, design of field experiences, quality of clinical progress, and assessment and verification of candidate competence.
- D. Provide opportunities for students to gain a broad range of experiences, including experiences in:
- a. Personal and career assessments
 - b. Personal counseling experience in either an individual or group context
 - c. Experience in School-based programs serving parents and family members
 - d. Observing classroom instruction
 - e. Attending district and school-based meetings
 - f. Mapping school-based community resources
 - g. The candidate is to perform, under supervision, the functions of school counselors in school counseling domains.
 - h. Participating in professional development activities.
 - i. Participating in individual or group supervision.
 - j. Learning about and using technology and information systems.
 - k. Learning about Individual differences and student diversity.
- E. The FIELDWORK SITE shall provide activities that occur across at minimum of two of four settings, including, (a) elementary, middle school or junior high, and (b) high school.
- F. The FIELDWORK SITE in collaboration with the UNIVERSITY will designate one school counselor who has at least two years' experience in school counseling to serve as the primary supervisor. The candidate may also work with other experienced school counselors for specific activities. In no case shall any supervisor be assigned by the FIELDWORK SITE to provide concurrent supervision for more than two candidates.
- G. The FIELDWORK SITE shall ensure that the candidate receives an average of one hour of individual or one and one-half hours of group face-to-face supervision per week, although more time may be needed, especially at the beginning of the FIELDWORK experience.
- H. The FIELDWORK SITE supervisor, in collaboration with the UNIVERSITY faculty, will complete at least one written evaluation of the student's performance near the end of each university session.
- I. The FIELDWORK SITE shall ensure that the candidate will be treated by the district as part of the professional staff and provided a supportive work environment, adequate supplies, counseling and test materials. In addition, it shall see that the candidate is encouraged to participate in district, SELPA, or county committees; and that he/she is provided release time as needed to attend professional development experiences or professional association meetings.

I. Specific Supervision Requirements School Psychology Fieldwork:

There are two required levels of field based activities. The first level, practicum, consists of a series of supervised experiences that occur prior to the culminating field experience or internship, and is conducted in field-based settings. The practicum provides for the application of pedagogical knowledge, skills and abilities as identified in the SPPEs.

- A. Provide an average of two (2) hours of individual or small group supervision per week from an experienced school psychologist.
- B. Assigned practicum supervisors must meet the following qualifications for practicum/fieldwork supervisors must include but are not limited to:
 - Minimum of 3 years of experience as professional in the field
 - Possession of a PPS School Psychology Credential

- Knowledge of context and content appropriate to the practicum experience. A field-based professional holding a current and valid credential authorizing service as a school psychologist provides direct culminating fieldwork or internship supervision.
- C. Provide experiences with a diverse student population.
 - D. Provide experiences with a variety of educational programs.
 - E. A minimum of twelve hundred (1,200) clock hours of field experience is required as part of the culminating fieldwork or internship according to the following guidelines:
 - i. The culminating field experience or internship is typically completed within one (1) academic year but shall be completed within no more than two (2) consecutive academic years.
 - ii. The culminating field experience or internship must include a minimum of one thousand (1000) clock hours in a preschool –grade 12 school setting providing direct and indirect services to pupils.
 - iii. Up to two hundred (200) hours of field experience may be acquired in other settings such as (a) private, state-approved educational programs; (b) other appropriate mental health-related program settings involved in the education of pupils; (c) relevant educational research or evaluation activities. Supervision and principal responsibility for the field experience in other settings is the responsibility of the off-campus agency.
 - iv. A written plan for the culminating field (or intern) experience is prepared and agreed upon by representatives of the local educational agency, the field (or intern) supervisor(s), and program supervisory staff. The field experience plan is completed early in the field experience and is periodically reviewed and revised by the University Supervisor along with input from the site supervisor. The plan identifies the field experience objectives, describes appropriate experiences for the achievement of the objectives across settings, and outlines the evaluation plan for determining the achievement of each objective. The plan also delineates the responsibilities of both the university and the local supervisory personnel.
 - F. Provide opportunities for candidates to gain a broad range of experiences, including experiences in:
 - a. Data based decision making: Assessing and reevaluating individual pupils and their programs.
 - b. Collaboration and consultation with school personnel and participation on interdisciplinary teams.
 - c. Developing, implementing and evaluating academic and behavioral interventions.
 - d. Providing counseling and other mental health interventions.
 - e. Home, school, community collaboration: working with parents and community members.
 - f. Learning about, helping develop, or evaluating policy, practices and programs.
 - g. Participating in professional development activities.
 - h. Participating in individual or group supervision.
 - i. Learning about and using technology and information systems.
 - j. Learning about Individual differences and student diversity.
 - A. The University will provide materials for supervisors on training in models of supervision, the SPPEs, and program fieldwork requirements share responsibility for the quality of field experience, design of field experiences, quality of clinical progress, and assessment and verification of candidate competence.
 - B. The FIELDWORK SITE shall provide activities that occur across at minimum of two of four settings, including (a) preschool, (b) elementary, (c) middle school or junior high, and (d) high school.

- C. The FIELDWORK SITE in collaboration with the UNIVERSITY will designate one school psychologist who has at least three years' experience in School Psychology to serve as the primary supervisor. The student may also work with other experienced school psychologists for specific activities. In no case shall any supervisor be assigned by the FIELDWORK SITE to provide concurrent supervision for more than two interns or students.
- D. The FIELDWORK SITE shall ensure that the student receives an average of two hour of individual or two hours of group face-to-face supervision per week, although more time may be needed, especially at the beginning of the FIELDWORK experience.
- E. The FIELDWORK SITE supervisor, in collaboration with the UNIVERSITY faculty, will complete at least one written evaluations of the student's performance near the end of each university session.
- F. The FIELDWORK SITE shall ensure that the candidate will be treated by the district as part of the professional staff and provided a supportive work environment, adequate supplies, counseling and test materials. In addition, it shall see that the candidate is encouraged to participate in district, SELPA, or county committees; and that he/she is provided release time as needed to attend professional development experiences or professional association meetings.

School Administration Fieldwork:

- A. The FIELDWORK SITE shall provide student with individual and/or small group supervision from an experienced school administrator.
- B. The FIELDWORK SITE shall provide student with experiences with a diverse student population.
- C. The FIELDWORK SITE shall provide student with experiences with a variety of educational programs.
- D. The FIELDWORK SITE shall ensure that the student receives an average of one hour of individual and/or one and one-half hours of group face-to-face supervision per week, although more time may be needed, especially at the beginning of the FIELDWORK experience.
- E. The FIELDWORK SITE supervisor, in collaboration with the UNIVERSITY faculty, will complete at least one written evaluation of the student's performance near the end of each university semester.
- F. The FIELDWORK SITE shall ensure that the student will be treated by the FIELDWORK SITE as part of the professional staff and is provided a supportive work environment and adequate supplies. In addition, it shall see that the INTERN is encouraged to participate in district or county committees and that he/she is provided release time as needed to attend professional development experiences or professional association meetings.



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Orcutt Union School District and Los Angeles Pacific University Agreement for Student Teacher Education and Field Experience

BACKGROUND: Los Angeles Pacific University is requesting approval of the Teacher Education Agreement with the Orcutt Union School District for Student Teacher Educational Field Experience.

RECOMMENDATION: It is recommended that the Board of Trustees approve the Los Angeles Pacific University Teacher Agreement for Student Teacher Educational Field Experience with the Orcutt Union School District.

FUNDING: N/A



MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT entered into by and between **Los Angeles Pacific University**, hereinafter called the **UNIVERSITY** and **Orcutt Union School District** hereinafter called the **DISTRICT**:

WITNESSETH

WHEREAS, the governing board of a school district may enter into agreements with a college or university approved by the Commission on Teacher Credentialing (CTC) as a teacher education institution (Ed. Code Section 44227), to provide educational field experiences as may be called for in the requirements of the various authorized credentials for public school service; and

WHEREAS, any such agreement may provide for the payment in money or in services for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered; and

WHEREAS, the University operates fully-accredited educational programs for its candidates; and

WHEREAS, it is to the mutual benefit of the University and the District to make a program of educational fieldwork experiences available to the U university's candidates at the District's facilities.

NOW, THEREFORE, it is mutually agreed upon between the parties as follows:

GENERAL TERMS AND CONDITIONS

1. **Term.** The term of this agreement shall commence on **July 1, 2023** and terminate on **June 30, 2028**.
2. **Termination.** Notwithstanding anything herein contained to the contrary, either party may terminate this agreement with thirty (30) days written notice to the undersigned. In the event of early termination of this agreement, candidates who have not yet completed their K-12 Educational field experience assignment in the District may complete their assignment at the discretion of the University. Nothing in this agreement shall limit the right of the University, acting in its sole discretion, to remove a candidate from the K-12 setting at any time.
3. **Amendments.** The provisions of this agreement may be altered, changed, or amended, by mutual written consent of the parties hereto.
4. **Execution.** This agreement may be executed in one or more counterparts, all of which shall constitute one and the same document. Counterparts may be exchanged by facsimile or Email. Each counterpart, whether an original signature or a facsimile copy, shall be deemed an original as against any party who signed it.

5. Insurance.

- a. The District shall maintain minimum insurance coverage for Worker's Compensation, including Employer's Liability, covering its employees. The University shall maintain minimum insurance coverage for Worker's Compensation, including Employer's Liability, covering its employees.
- b. The District shall carry professional liability insurance coverage in the amount of \$1,000,000 per limit and \$3,000,000 in the aggregate, for its employees and agents. The University shall carry professional liability insurance coverage in the amount of \$1,000,000 per limit and \$3,000,000 in the aggregate, for its employees and candidates. The District shall maintain general liability insurance coverage in the amount of \$1,000,000 per incident and \$3,000,000 in the aggregate, covering its employees and agents. The University shall maintain general liability insurance coverage in the amount of \$1,000,000 per incident and \$3,000,000 in the aggregate, covering its employees and candidates.
- c. The District maintains proof of all insurance coverage and will provide said proof to the University upon request. The University maintains proof of all insurance coverage and will provide said proof to the District upon request.
- d. The employment status of candidates and the responsibility for insurance coverage for candidate activities depends upon the status of the candidates as set forth below:
 - i. Candidates Participating in Unpaid K-12 Educational Field Experience not at Candidate's Place of Employment: If the University's candidates are participating in an unpaid K-12 educational field experience not at his or her place of employment, it is understood that the University's candidates are fulfilling specific requirements for field experiences as part of a degree or credential program requirement, and therefore, the University's candidates do not thereby become employees of the District by virtue of their field experience. The University shall be responsible for providing insurance coverage for such candidates, pursuant to Sections 5.a and 5.b of this agreement.
 - ii. Candidates Participating in Unpaid K-12 Educational Field Experience at Candidate's Place of Employment: If the University's candidates are participating in an unpaid internship or field experience at his or her place of employment, it is understood by that the University and the District shall keep the field experience and work duties of the University's candidates strictly separate. The University shall be responsible for providing insurance coverage for such candidates' field experience pursuant to Section 5.a and 5.b of this agreement. The District shall be responsible for providing insurance coverage for such candidates' activities as a District employee pursuant to Section 5.a and 5.b of this agreement.
 - iii. Candidates Participating in Paid K-12 Educational Field Experience: If the University's candidates are provided with a nominal stipend from the District intended to reimburse them for estimated expenses related to their field experience, the University's candidates do not thereby become employees of the District, and the University shall be responsible for providing insurance coverage for such

candidates pursuant to Sections 5.a and 5.b of this agreement; however, the District shall be responsible for issuing a Form 1099 reporting the stipend to the Internal Revenue Service. If, however, the University's candidates are paid by the District for their services, then they become employees of the District, and the District is responsible for all employee obligations and for insuring the activities of such candidates under Section 5.a and 5.b of this agreement.

6. Confidentiality.

- a. All verbal and written information exchanges, as well as proprietary information relating to business practices, procedures or methods of the District or the project shall remain strictly confidential and shall not be disclosed without consent of the District. The University agrees to notify candidates that they are responsible for respecting and maintaining the confidentiality of all information with respect to all students of the District.
- b. The University and the District agree to comply with the Family Educational Rights and Privacy Act (FERPA) of 1974, and all requirements imposed by or pursuant to regulation of the Department of Education to the end that the rights and privacy of the students enrolled in the District and of their parents are not violated or invaded. This assurance is given to obtain access to individual student data for the purpose of using said data to fulfill assignments or contractual obligations with the District. The provisions of the Family Educational Rights and Privacy Act of 1974 include, but are not limited to ensuring that (a) no identification of students or their parent(s)/guardian(s) by persons other than representatives of the University and required persons performing activities mandated by the California Department of Education, California Commission on Teacher Credentialing (i.e. auditors) is permitted; (b) the individual student data will be destroyed when no longer needed for the purpose(s) for which they were obtained; (c) no access to individual student data shall be granted by the University to any other persons, agency, or organization without the written consent of the pupil's parent/guardian, except for sharing with other persons within the District or representatives of the University, so long as those persons have a legitimate interest in the information; (d) the District will not disclose the candidate records of the University's candidates except to University and District officials who have a legitimate need for the information consistent with their official responsibilities.

7. **Non-Discrimination.** The University and the District agree to make no distinction among candidates covered by this agreement on the basis of race, color, religion, national origin, gender, age, disability, or status as a veteran.
8. **Transportation of Students.** Neither the University nor the District will provide transportation for candidates between the University and the District school. Each candidate shall be responsible for his or her transportation.
9. **Scope of Authority.** The District shall exercise exclusive control over the administration, operation, maintenance and management of the District and its schools, and the University's candidates while they are in residence at the District. Subject thereto, the University shall exercise control and supervision over the operation, curriculum, faculty and candidates of the University within the prescribed framework.

10. Indemnification.

- a. The University shall indemnify, save and hold harmless the District, its officers, directors, and employees from and against all obligations, claims and liabilities of any kind under state or federal law (including costs and attorney's fees) that may arise out of negligent acts or omissions of the University, and its trustees, officers, directors, candidates and employees during the course and scope of a University candidate's clinical training.
- b. The District shall indemnify, save and hold harmless the University, its officers, directors, and employees from and against all obligations, claims and liabilities of any kind under state or federal law (including costs and attorney's fees) that may arise out of negligent acts or omissions of the District, and its trustees, officers, directors, or employees during the course and scope of a University candidate's clinical training.

11. Scope of Work.

TEACHER EDUCATION FIELD EXPERIENCE

"Field Experience" as used herein refers to brief (eight week) periods in which a candidate, enrolled in field experience embedded courses in the university teacher preparation program, observes and interacts with students in small group settings and may have limited whole class involvement under the direct supervision and instruction of one or more classroom host teachers. With the guidance of the classroom host teacher, the candidate may participate in small group instructional activities. With the guidance of the classroom host teacher, the candidate may participate in formal assessments to individual K-12 students and/or small groups of students during their field experience. The candidate may be required to observe in a variety of settings to meet course expectations and will document 10 hours of field experience per each field experience embedded course. Field Experience is not commensurate with Student Teaching.

Field Experience is to be completed under the direct supervision of a host teacher(s) who currently hold(s) a valid Clear Teaching Credential in the content area for which they are providing supervision and have a minimum of three years of content area K-12 teaching experience. It is the expectation that the classroom where candidates complete field experience will consist of K-12 students and include students who are English learners, students on an IEP or 504 Plan, students who qualify for GATE, and/or students from an underserved group. The classroom curriculum must align with California's adopted content standards and frameworks. At the conclusion of the Field Experience, the host teacher(s) will be asked to complete a short verification form to verify the candidate's field experience.

The University will ensure candidates who participate in field experience have met the requirements of (a) California Basic Skills requirement (BSR), (b) possessing a valid certificate of clearance or other valid CTC document, and (c) current enrollment in a field experience embedded course. The University will provide support to the candidate through the direction and discussion provided within the field experience

embedded course. Assignments directly related to the candidate's field experience, in the form of reflection logs and written assignments, will be required and evaluated by the course instructor.

TEACHER EDUCATION STUDENT TEACHING

“Student teaching” as used herein and elsewhere in this agreement means active participation in the duties and functions of classroom teaching under the direct supervision and instruction of employees of the District (a) holding a valid Clear Teaching Credential in the content area for which they are providing supervision and (b) have a minimum of three years of content area K-12 teaching experience. The district supervisor must have demonstrated exemplary teaching practices as determined by the District and University. It is preferable that the supervising teacher not have additional district or school-based assignments that cause them to be absent from the classroom for extended periods of time.

The University shall provide district employed supervisors a minimum of 2 hours of initial orientation to the program curriculum, and access to a minimum of 8 hours of training about effective supervision approaches such as cognitive coaching, adult learning theory, and current content-specific pedagogy and instructional practices.

The District agrees to provide a supported teaching experience in District classrooms for candidates who are assigned by the University to student teaching. Classrooms where candidates complete student teaching must include K-12 students who are English learners, on an IEP, 504 Plan, students who qualify for GATE, and/or students from and underserved group. Such student teaching shall be provided in such schools or classes of the District, and under the direct supervision and instruction of such employees of the District, as the District and the University through their duly authorized representatives may agree upon. It is understood that the matching of candidate and district-employed supervisor must be a collaborative process between the school district and the university.

The University shall ensure student teacher placement in locations where the candidate is able to video record his/her teaching with K-12 students for the purposes of implementing the video requirement for the California Teaching Performance Assessment (CalTPA), observations, and instructional reflection. The University requires candidates to affirm that they have followed all applicable video policies of the District for the CalTPA task requiring a video.

The District recognizes the importance of facilitating placements that allow teacher candidates to complete the California Teaching Performance Assessment (CalTPA), and has necessary policies and procedures in place related to the appropriate use of video for instruction and assessment. The District recognizes that the teacher candidate may use video capturing to record their classroom instruction and submit it online for review as part

of the university mentor observation and formative feedback process.

The District may, for good cause, refuse to accept any candidate of the University assigned to student teaching in the District. Upon request of the District, made for good cause, the University shall terminate the student teaching assignment of any candidate of the University.

The University will ensure candidates who participate in student teaching have satisfied the additional requirements of (a) meeting the California Basic Skills requirement (BSR), (b) demonstrating Subject Matter Competence, (c) meeting U.S. Constitution, (d) possessing a valid certificate of clearance, (e) have a negative TB test within 2 years of the end date of the student teaching assignment.

"Full-time student teaching" is an assignment for the regular school day (at least seven hours) for 16 weeks including all duties normally performed by a teacher. The 16 weeks aligns with the University's fall and spring semesters.

At the elementary level a full-time assignment is a full school day (at least seven hours) for eight weeks in a primary (K-3) classroom and eight weeks in an intermediate (4-6) classroom. For this, the University will pay the District a Master Teacher Stipend for performance by the District of all services required at a rate of one hundred dollars (\$100) for each 8-week session.

An assignment of a candidate of the University to student teaching in schools or classes of the District shall be, at the discretion of the University for approximately one semester; a fall semester to be approximately end of August to beginning of December and a spring semester to be approximately the beginning of January to beginning of May.

Within a reasonable time following the close of each assignment, the University will send a Master Teacher Stipend Summary Sheet to the District and the District shall submit an invoice, to the University for payment, at the rate provided herein, for all student teaching assignments provided by the District under and in accordance with this agreement during said semester.

TEACHER EDUCATION INTERN TEACHING

"Intern teaching" as used herein and elsewhere in this agreement means active participation in a teacher internship program pursuant to California Education Code Section 44450 whereby University candidates may be placed as Intern teachers in District Schools. An Intern candidate is authorized to assume the functions authorized by the appropriate Multiple Subject Credential. The Intern candidate's services meet the instructional needs of the participating district. The Intern candidate does not displace other certificated employees in the participating district, and this agreement meets with the District's contractual specifications with certificated employees.

The District will assign each Intern candidate a certified mentor/support provider who will be responsible for overseeing and offering support to the Intern candidate throughout the internship teaching year. The District agrees to provide to the University the name of the mentor/support provider for each term. The certified mentor/support provider must (a) hold a valid corresponding Clear or Life credential, (b) have completed a minimum of three years of successful teaching experience, (c) have EL Authorization if he/she is providing supervision and support to a candidate who does not have EL Authorization.

The University shall provide district employed supervisors a minimum of 2 hours of initial orientation to the program curriculum, and access to a minimum of 8 hours of training about effective supervision approaches such as cognitive coaching, adult learning theory, and current content-specific pedagogy and instructional practices.

The District must ensure sufficient resources are provided including the identification of protected time for district provided support providers to work with the Intern candidates within the school day to deliver the appropriate support/mentoring and supervision to the candidate and an evaluation of the site support that is provided.

The University will ensure candidates in the Internship Program hold a Baccalaureate degree or higher from an organization recognized by the U.S. Department of Education and the Council for Higher Education Accreditation and have satisfied the additional requirements of (a) California Basic Skills requirement (BSR), (b) demonstrating Subject Matter Competence, (c) meeting U.S. Constitution, (d) possessing a valid certificate of clearance, (e) have completed the required Pre-service Training.

The University will assign a University supervisor to support the intern who will work cooperatively with the district personnel designated above. The University supervisor will confer with both the site administrator and the mentor/support provider for the intern. The University supervisor will have the following minimum qualifications (a) have current knowledge in the content area of the candidate; (b) have the ability to model best professional practices in teaching learning, scholarship, and service; (c) have knowledge about diverse abilities, cultural, language, ethnic, and gender diversity; and (d) understand the context of public schools and have a thorough grasp of the academic standards, frameworks, and accountability systems that drive the curriculum of public schools.

The employing district will develop and implement a Professional Development Plan for the Intern candidate, which will include an annual evaluation. For Intern candidates teaching in inclusive kindergarten through 6th grade settings, the Professional Development Plan must include instruction during the first semester of service which includes child development and teaching methods, as well as, special education programs for pupils with mild and moderate disabilities. The University will make available description of the courses to be completed by the Intern.

The District and the University will work in partnership to provide a minimum of 144 hours

of support/mentoring and supervision to each Intern candidate each school year. Intern candidates without an EL authorization are required to receive 45 hours of EL support. The District will provide approximately 2/3 of the support/mentoring and supervision in the form of content specific coaching; grade level or department meetings; new teacher orientation; coaching from an administrator; co-planning with a special educator or English learner expert to address special needs or English learner students; demonstration lessons or co-teaching activities with a mentor/support provider, coach or supervisor; Intern candidate observation of other teachers and classrooms; editing work-related writing; professional learning communities activities addressing issues in the intern's classroom; OR other support and supervision activities. The University will provide approximately 1/3 of the support/mentoring and supervision in the form of field mentors, seminars, peer/faculty support; classroom observations and coaching; Intern observation of other teachers and classrooms; email, phone, and/or video conferencing support related to observations, problem-solving, planning curriculum, and/or instruction; professional literature/research discussion groups facilitated by appropriately credentialed program faculty; OR other support and supervision activities. The University is responsible for documentation of support/mentoring and supervision.

The District and the University agree to the allocation of additional personnel, time, and resources for individuals who have not yet earned an English learner authorization. The participating district will identify an individual who is immediately available to assist Intern candidates with planning lessons that are appropriately designed and differentiated for ELs, for assessing language needs and progress, and to support language accessible instruction. This individual must have an EL authorization.

The University shall ensure Intern Teacher assignments take place in locations where the candidate is able to record his/her teaching with K-12 students for the purposes of implementing the video requirement for the California Teaching Performance Assessment (CalTPA), observations, and instructional reflection.

The University requires candidates to affirm that they have followed all applicable video policies of the District for the TPA task requiring a video.

The District recognizes the importance of facilitating placements that allow Intern candidates to complete the California Teaching Performance Assessment (CalTPA), and has necessary policies and procedures in place related to the appropriate use of video for instruction, assessment. The District recognizes that the Intern candidate may use video capturing to record their classroom instruction and submit it online for review as part of the university mentor observation and formative feedback process.

The District and the University agree to provide access to those who will be evaluating the performance of the candidate to provide knowledge on the performance of Intern candidates and any areas of needed additional support or supervision.

Los Angeles Pacific University

Signed: Gordon Jorgenson A.A.A.
Name: Gordon A Jorgenson III
Title: Assistant Dean
Date: March 28, 2023
Los Angeles Pacific University
300 N. Lone Hill Av. Ste. 200
San Dimas, CA 91773

Orcutt Union School District

Signed: _____
Name: Dr. Holly Edds
Title: Superintendent
Date: 05/10/2023
Orcutt Union School District
500 Dyer Street
Orcutt, CA 93455



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Board Policy 4030 - Nondiscrimination in Employment

BACKGROUND: Board Policy 4030 was updated to reflect New Law SB 523, 2022 which adds reproductive health decision making as a form of prohibited discrimination and prohibits an employer from requiring an applicant or employee to disclose information relating to an employee's reproductive health decision making.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revision to Board Policy 4030, Nondiscrimination in Employment, for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING: Not applicable

NONDISCRIMINATION IN EMPLOYMENT

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

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

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

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

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

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal

- to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Requiring medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any to be provided to the employee.

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

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign ~~a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)~~ any document that releases the employee's right to file a claim against the district or to disclose information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination or harassment or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

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

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

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

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

State

2 CCR 11006-11086: Discrimination in employment

2 CCR 11023: Harassment and discrimination prevention and correction

2 CCR 11024: Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

2 CCR 11027-11028: National origin and ancestry discrimination

5 CCR 4900-4965: Nondiscrimination in elementary and secondary education programs

CA Constitution Article 1, Section 1: Inalienable rights

Civ. Code 51.7: Freedom from violence or intimidation

Ed. Code 200-262.4: Educational equity; prohibition of discrimination on the basis of sex

Gov. Code 11135: Unlawful discrimination

~~Gov. Code 11138: Rules and regulations~~

Gov. Code 12900-12996: Fair Employment and Housing Act

Gov. Code 12940-12952: Unlawful employment practices

Gov. Code 12960-12976: Unlawful employment practices; complaints

Pen. Code 422.56: Definitions, hate crimes

Federal

20 USC 1681-1688: Title IX of the Education Amendments of 1972

28 CFR 35.101-35.190: Americans with Disabilities Act

29 USC 621-634: Age Discrimination in Employment Act

29 USC 794: Rehabilitation Act of 1973, Section 504

34 CFR 100.6: Compliance information

34 CFR 104.7: Designation of responsible employee for Section 504

34 CFR 104.8: Notice

34 CFR 106.8: Designation of responsible employee and adoption of grievance procedures

~~34 CFR 106.9: Severability~~

34 CFR 110.1-110.39: Nondiscrimination on the basis of age

42 USC 12101-12213: Americans with Disabilities Act

42 USC 2000d-2000d-7: Title VI, Civil Rights Act of 1964, as amended

42 USC 2000e-2000e-17: Title VII, Civil Rights Act of 1964, as amended

42 USC 2000ff-2000ff-11: Genetic Information Nondiscrimination Act of 2008

42 USC 2000h-2-2000h-6: Title IX of the Civil Rights Act of 1964

42 USC 6101-6107: Age discrimination in federally assisted programs

Executive Order 11246: "Know Your Rights: Workplace Discrimination is Illegal" poster

U.S. Constitution: Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources

~~CA Dept of Fair Employment and Housing Publication: Transgender Rights in the Workplace~~

~~CA Dept of Fair Employment and Housing Publication: California Law Prohibits Workplace~~

~~Discrimination and Harassment~~

~~CA Dept of Fair Employment and Housing Publication: Workplace Harassment Guide for California Employers~~

~~CA Dept of Fair Employment and Housing Publication: Your Rights and Obligations as a Pregnant Employee~~

CA Civil Rights Department Publication: Family Care and Medical Leave and Pregnancy Disability Leave

CA Civil Rights Department Publication: California Law Prohibits Workplace Discrimination and Harassment

CA Civil Rights Department Publication: The Rights of Employees Who Are Transgender or Gender Nonconforming

CA Civil Rights Department Publication: Harassment Prevention Guide for California Employers

CA Civil Rights Department Publication: Your Rights and Obligations as a Pregnant Employee

Court Decision: Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision: Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837

Court Decision: Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863

U.S. DOE Office for Civil Rights Publication: Notice of Non-Discrimination, August 2010

U.S. Equal Employment Opportunity Comm Publication: Know Your Rights: Workplace Discrimination is Illegal, October 2022

U.S. Equal Employment Opportunity Comm Publication: Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

U.S. Equal Employment Opportunity Comm Publication: EEOC Compliance Manual

Website: CSBA District and County Office of Education Legal Services

Website: California Department of Fair Employment and Housing

Website: U.S. Department of Education, Office for Civil Rights

Website: U.S. Equal Employment Opportunity Commission

Policy Adopted: ~~12/14/22~~ 5/10/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



HUMAN RESOURCES MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: May 10, 2023

BOARD AGENDA ITEM: Ratification of Addendum Number 5 to the Employment Agreement with Dr. Holly Edds, Superintendent.

BACKGROUND: The Board of Trustees have added an additional year to the contract for Dr. Holly Edds, Superintendent. The Superintendent's contract shall now expire on June 30, 2026.

RECOMMENDATION: It is recommended that the Board of Trustees ratify the Addendum Number 5 to the Employment Agreement with Dr. Holly Edds, Superintendent of the Orcutt Union School District, as submitted.

FUNDING: N/A

**Orcutt Union School District
Employment Contract for District Superintendent
Addendum No. 5**

This addendum to the Employment Agreement is agreed to and is effective upon ratification by the Board of Trustees, between the Orcutt Union School District (“District”) and Dr. Holly Edds (“Superintendent”). This Addendum Number Two is the mutual agreement to modify the original employment agreement between the District and the Superintendent dated May 13, 2020, as follows:

Compensation

1. For contract year 2023-24, the Superintendent shall be compensated pursuant to the salary schedule below.

Step/School Year	Salary
2023-2024	\$240,218
2024-2025	\$247,424

Term

The Superintendent’s contract shall be extended through June 30, 2026.

Except for the changes to the Compensation sections and Term of the Agreement, all other terms and conditions of the Agreement shall continue in full force and effect and are not modified.

This Addendum is subject to ratification by the Governing Board.

Dr. Holly Edds
Superintendent

Date

Shawn Henderson
Board President

Date