

ORCUTT UNION SCHOOL DISTRICT

Regular Meeting of the Board of Trustees

Wednesday, August 9, 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 6:30 p.m.

I. OPEN SESSION 6:00 PM

A. Call Meeting to Order

B. Pledge of Allegiance

C. Adoption of the August 9, 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): 8 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)

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 6:30 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. OCAF Update
- 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 and Charter Coaches for the 2023-2024 School Year
- C. Certificated Personnel Action Report
- D. Approval of June 14, 2023 Special Board Meeting Minutes
- E. Approval of Warrants
- F. Cooperative Purchasing Programs
- G. William Quarterly Report
- H. Lozano Smith Agreement for Legal Services
- I. Consolidated Application for Funding

It is recommended that the Board of Trustees approve the Consent Agenda Items A-I, 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 Ginnie Volovick:** a donation of arts and craft supplies and activities books with an estimated value of \$400 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. Board Bylaw 9322 Agenda/Meeting Materials

It is recommended that the Board of Trustees approve the revised Board Bylaw 9322 Agenda/Meeting Materials, for the first reading and that it be placed on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

3. Board Policy 1113 District and School Websites

It is recommended that the Board of Trustees approve the revised Board Policy 1113 District and School Websites, for the first reading and that it be placed on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

4. Governance Handbook

It is recommended that the Board of Trustees approve the revisions made to the Governance Handbook, as submitted.

Moved _____ Second _____ Vote _____

B. BUSINESS SERVICES

1. Coast Community Energy (3CE) Letter of Intent for the Purchase of an Electric School Bus

It is recommended that the Board of Trustee approve the Letter of Intent from Coast Community Energy (3CE) for the purchase of an electric school bus, as submitted.

Moved _____ Second _____ Vote _____

2. Sale or Disposal of Books, Equipment, and Supplies

It is recommended that the Board of Trustees approve the sale/disposal of books, equipment, and supplies, as submitted.

Moved _____ Second _____ Vote _____

3. Third Amendment to the Ground Lease and Development Agreement between Orcutt Union School District and TAIT & Associates, Inc.

It is recommended that the Board of Trustees approve the Third Amendment to the Ground Lease and Development Agreement by and between the Orcutt Union School District and TAIT & Associates, Inc., as submitted.

Moved _____ Second _____ Vote _____

4. Award of CUPPCCA Bid for Alice Shaw Shade Structure Pad Project

It is recommended that the Board of Trustees approve the CUPPCCA bid to JNE Concrete, Inc. for \$83, 636 as they were the lowest, responsive and responsible bidder.

Moved _____ Second _____ Vote _____

C. EDUCATION SERVICES

1. Board Policy 0420.41 Charter School Oversight

It is recommended that the Board of Trustees approve the revised Board Policy 0420.41 Charter School Oversight, for the first reading and that it be paced on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

2. Board Policy 5141.5 Mental Health

It is recommended that the Board of Trustees approve the new Board Policy 5141.5 Mental Health, for the first reading and that it be paced on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

3. Board Policy 5141.6 School Health Services

It is recommended that the Board of Trustees approve the new Board Policy 5141.6 School Health Services, for the first reading and that it be paced on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

4. Board Policy 5145.6 Parental Notifications

It is recommended that the Board of Trustees approve the revised Board Policy 5145.6 Parental Notifications, for the first reading and that it be paced on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

5. Board Policy 5148 Child Care and Development

It is recommended that the Board of Trustees approve the revised Board Policy 5148 Child Care and Development, for the first reading and that it be paced on the next Consent Agenda for the second reading.

Moved _____ Second _____ Vote _____

6. Board Policy 6146.4 Differential Graduation and Competency Standards for Students with Disabilities (Charter High School, Grades 9-12)
It is recommended that the Board of Trustees approve the revised Board Policy 6146.4 Differential Graduation and Competency Standards for Students with Disabilities (Charter High School, Grades 9-12), for the first reading and that it be paced on the next Consent Agenda for the second reading.
Moved _____ Second _____ Vote _____

7. Board Policy 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education
It is recommended that the Board of Trustees approve the revised Board Policy 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education, for the first reading and that it be paced on the next Consent Agenda for the second reading.
Moved _____ Second _____ Vote _____

8. Board Policy 6173.4 Education for American Indian Students
It is recommended that the Board of Trustees approve the new Board Policy 6173.4 Education for American Indian Students, for the first reading and that it be paced on the next Consent Agenda for the second reading.
Moved _____ Second _____ Vote _____

9. Board Policy 6174 Education for English Language Learners
It is recommended that the Board of Trustees approve the revised Board Policy 6174 Education for English Language Learners, for the first reading and that it be paced on the next Consent Agenda for the second reading.
Moved _____ Second _____ Vote _____

D. HUMAN RESOURCES

1. Provisional Internship Permit (PIP) to hire Stephanie Reyes as a Full-Time Education Specialist Mild Support Needs (Resources) at Joe Nightingale Elementary School for the 2023-2024 School Year
It is recommended that the Board of Trustees approve the use of a Provisional Internship Permit (PIP) to hire Stephanie Reyes as a full-time Education Specialist Mild Support Needs at Joe Nightingale Elementary School for the 2023-2024 school year, as submitted.
Moved _____ Second _____ Vote _____

2. Cal Poly School of Education Supervised Field Experience and Student Teaching Agreement
It is recommended that the Board of Trustees approve the Cal Poly School of Education Supervised Field Experience and Student Teaching Agreement, as submitted.
Moved _____ Second _____ Vote _____

3. Board Policy 4140 Bargaining Units
It is recommended that the Board of Trustees approve the revised Board Policy 4140 Bargaining Units, for first reading and that it be placed on the next Consent Agenda for the second reading.
Moved _____ Second _____ Vote _____

IX. GENERAL ANNOUNCEMENTS

- A. Unless otherwise noticed, the next regular Board Meeting is scheduled for September 13, 2023 beginning with Open Session at 6:00 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 _____

- C. 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

August 9, 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
Adame, Jacob	Pine Grove	Instructional Assistant, 1	12/2	3.5	\$18.76 per hr.	08/08/2023	New hire
Allen, Candice	Early Learning Center	Instructional Assistant, Preschool	11/3	3.75	\$19.21 per hr.	08/08/2023	New hire
Beas, Kariann	Olga Reed	Instructional Assistant	8/6	6.0	\$20.66 per hr.	08/08/2023	Increase in hours
Benavidez, Rebecca	Child Nutrition/Patterson	Child Nutrition Cook	10/6	8.0	\$21.70 per hr.	08/08/2023	Increase in hours
Bernardo, Mary Jane	Central Kitchen	Child Nutrition Senior Cook	11/4	2.75	\$20.18 per hr.	08/08/2023	Additional position
Bischoff, Terri	Child Nutrition/Pine Grove	Child Nutrition Cook	10/6	8.0	\$21.70 per hr.	08/08/2023	Increase in hours
Bouget, Lorie	Educational Services	Administrative Assistant	30/5	8.0	\$33.86 per hr.	09/08/2023	Resignation
Bressem, Mark	Transportation	Bus Driver	19/6	5.0	\$27.10 per hr.	06/14/2023	Resignation
Buckley, Lauren	Dunlap	Instructional Assistant	8/2	3.75	\$17.00 per hr.	08/08/2023	New hire
Caro, Rafael	Orcutt JH & Orcutt Academy HS	Custodian, Night	17/2	8.0	\$3,693.00 per mo.	07/20/2023	New hire
Cortez, Dulce	Educational Services	Community Liaison	14/4	6.0	\$21.73 per hr.	08/01/2023	Resignation
Cortez, Mary	Educational Services	Community Liaison	15/4	6.0	\$22.34 per hr.	08/01/2023	Reclassification
Davis, B'anna	Alice Shaw	Instructional Assistant, 1	12/4	6.0	\$20.68 per hr. +2.5%	08/08/2023	New hire/Special Needs Stipend
De Alba, Silvia	Olga Reed	ASES Homework Coach	8/6	3.0	\$20.66 per hr.	08/08/2023	New position
Edmonds, Angie	Patterson	Instructional Assistant	8/4	3.75	\$18.74 per hr.	08/08/2023	Promotion
Eich, Myah	Alice Shaw	Instructional Assistant, 1	12/2	6.0	\$18.76 per hr.	08/07/2023	Resignation



Orcutt Union School District

Classified Personnel Action Report

August 9, 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
Foreman, Heidi	Child Nutrition/Olga Reed	Child Nutrition Cook	10/6	7.0	\$21.70 per hr.	08/08/2023	Increase in hours
Galvez, Brenda	Educational Services	Community Liaison, 2	15/6	6.0	\$24.55 per hr.	08/01/2023	Reclassification
Garcia, Julie	Alice Shaw	Instructional Assistant, 1	12/4	6.0	\$20.68 per hr. + 2.5%	07/01/2023	Increase in hours/Special Needs Stipend
Goff, Brittany	Pine Grove	Instructional Assistant, 1	12/2	6.0	\$18.76 per hr.	08/08/2023	New hire
Gonzalez, Veronica	Child Nutrition	Child Nutrition Worker	8/3	3.0	\$17.84 per hr.	08/08/2023	Additional position
Granada, Linsey	Alice Shaw	Instructional Assistant, 2	13/6	6.0	\$23.37 per hr.	08/08/2023	Rehire
Griffith, Tania	Educational Services	Community Liaison	14/6	6.0	\$23.95 per hr.	07/31/2023	Resignation
Henderson, Lisa	Pine Grove	Instructional Assistant, 1	12/6	3.50	\$22.80 per hr.	07/28/2023	Resignation
Hoffman, Rachel	Patterson	Instructional Assistant	8/5	3.75	\$19.68 per hr.	07/25/2023	Resignation
Inboden, Tricia	Child Nutrition/Nightingale	Child Nutrition Cook	10/6	8.0	\$21.70 per hr.	08/08/2023	Increase in hours
Juarez, Shirley	Campus Connection	District Child Care Coordinator	19/6	8.0	\$4,715.00 per mo.	08/01/2023	Reclassification
Julian, Jennifer	Pine Grove	Instructional Assistant	8/6	3.75	\$20.66 per hr.	08/08/2023	New hire
Kendrick, Shy	Alice Shaw	Instructional Assistant	8/2	3.75	\$17.00 per hr.	08/08/2023	New hire
Lopez, Kim	Dunlap	Instructional Assistant, 1	12/6	3.5	\$22.80 per hr.	07/31/2023	Resignation
Magallon, Jose	Transportation	Vehicle & Equipment Mechanic, Assistant	20/4	8.0	\$4,384 per mo.	07/18/2023	Change in assignment
Malicdem, Vivian	Child Nutrition	Child Nutrition Cook	10/6	4.75	\$21.70	07/13/2023	Resignation



Orcutt Union School District

Classified Personnel Action Report

August 9, 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
Martinez, Maria	Alice Shaw	Instructional Assistant, 1	12/6	6.0	\$22.80 per hr. + 2.5%	08/08/2023	New hire/Special Needs Stipend
Morales, Alvaro	Lakeview JH	Custodian, Head	18/3	8.0	\$3,975 per mo.	07/20/2023	Promotion
Pischke, Kyleigh	Patterson	Instructional Assistant	8/2	3.75	\$17.00 per hr.	07/27/2023	Additional position
Roberts, Jenifer	Campus Connection/Alice Shaw	Child Care Coordinator	17/6	4.25	\$25.79 per hr.	06/30/2023	Resignation
Robles, Jennifer	Alice Shaw	Instructional Assistant	8/2	3.75	\$17.00 per hr.	08/08/2023	New hire
Robles, Jennifer	Campus Connection, Alice Shaw	Child Care Coordinator	17/1	4.25	\$20.21 per hr.	08/08/2023	New hire
Rubalcava, Maria	Health Services	Licensed Vocational Nurse	27/6	6.0	\$33.02 per hr.	07/20/2023	Resignation
Sanchez, Lupe	Child Nutrition	Child Nutrition Cook	10/6	3.0	\$21.70 per hr.	07/14/2023	Additional position
Sanchez, Lupe	Nightingale	Noon Duty Supervisor	7/6	2.0	\$20.16 per hr.	07/13/2023	Resignation
Shelton, Zoei	Alice Shaw	Instructional Assistant, 1	12/3	6.0	\$19.70 per hr.	08/03/2023	Resignation
Silva, April	Dunlap	Instructional Assistant	8/2	3.75	\$17.00 per hr.	08/08/2023	Rehire
Soria, Sandy	Educational Services	Community Liaison	15/4	6.0	\$22.34 per hr.	08/01/2023	Reclassification
Wasylychyn, Stephanie	Lakeview JH	Office Assistant	15/6	8.0	\$24.55 per hr.	07/19/2023	Promotion

ORCUTT UNION SCHOOL DISTRICT

TO: Dr. Holly Edds
District Superintendent

FROM: Susan Salucci
Assistant Superintendent of Human Resources

DATE: August 9, 2023

RE: ***NOTIFICATION TO BOARD – HIRING OF ORCUTT UNION SCHOOL COACHES FOR 2023-24 SCHOOL YEAR***

Orcutt Jr. High:

Cheer

Kali Williams

*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 ACADEMY CHARTER SCHOOL

ORCUTT UNION SCHOOL DISTRICT

TO: Dr. Holly Edds
District Superintendent

FROM: Susan Salucci
Assistant Superintendent of Human Resources

DATE: August 9, 2023

***RE: NOTIFICATION TO BOARD – HIRING OF CHARTER SCHOOL COACHES
FOR 2023-24 SCHOOL YEAR***

Orcutt Academy Charter HS:

Varsity Football Coach
Boy's JV Basketball Coach

Ron Mendez
Christian Ramos

*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

August 9, 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
Alter, Sara	Ralph Dunlap	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Banks, Jared	Olga Reed / Orcutt Academy K-8		\$2,905	2021-22	Retro pay for reclassification for 2021-22 and 2022-23 school year
			\$3,308	2022-23	
Batchelor, Melanie	Orcutt JHS	IV-1	\$59,975	2023-24	Approval of Probationary Contract
Bertoldi, Janet	District	Hourly	\$50	5/9-6/5/23	Summer Program, 7.5 hrs Proctor, 8.75 hrs Sub Administrator, 67 hrs First 5 Grant, 5 hrs
			\$80	5/10-5/11/23 5/1-6/2/23 5/19-6/28/23	
Birdsall, Swapna	Alice Shaw	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Brickey, April	District	Hourly	\$28	5/1-5/30/23	Proctor, 48 hrs
Cantrell, Andrea	Ralph Dunlap	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Caruana, Austin	Orcutt JHS	V-4	\$69,348	2023-24	Completed Units for Movement
Chamberlain, Beth	District	Hourly	\$28	5/1-5/19/23	Proctor, 45 hrs
Clark, Ilyana	Patterson Road	Hourly	\$28	2023-24	Hourly Art Teacher, 17 hrs wk
Cornwell, Karen	District	Hourly	\$28	5/4-5/30/23	Proctor, 45.75 hrs
Dalia, Haya	Olga Reed	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Daniels, Michele	Patterson Road District	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk Home & Hospital, 9 hrs
				4/24-5/19/23	
Day, Michelle	District	Extra Duty	\$45/hr	4/24-7/7/23	Home & Hospital, 51.25 hrs
DelValle, Danielle	Patterson Road	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk

*To be prorated

NAME	SCHOOL	CLASS/STEP	SALARY	EFFECTIVE DATE	ACTION INFORMATION
Doerksen, Allie	District	Extra Duty	\$45/hr	5/1-5/26/23	Campus Connection/After School Teacher, 23.25 hrs
Elwell, Renee	Ralph Dunlap	V-3	\$67,096	2023-24	Completed Units for Movement
Emp# 1882				6/30/2023	Resignation
Emp# 2252				6/7/2023	Resignation
Felchle, Lindsay	Orcutt JHS	V-3	\$67,096 \$7,500	2023-24	Approval of Probationary Contract Signing Bonus Paid Out Over 2 Years
Feldtkeller, Rebekah	Pine Grove	III-5	\$65,357	2023-24	Approval of Temporary Contract
Garcia, Leslie	Ralph Dunlap	VI-1	\$65,783	2023-24	Completed MA Degree
Garcia, Teresa	Patterson Road	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Golden, Cassie	Orcutt Academy K-8	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Gonzalez, Gillian	District	Extra Duty	\$45/hr	5/2-5/30/23	Home & Hospital, 6.5 hrs
Hart, Debra	Olga Reed / Orcutt Academy K-8	Hourly	\$28	2023-24	Hourly Support Teacher, 30 hrs wk
Hough, Roberta	District	Hourly	\$50	5/3-5/30/23	New Teacher Support, 56 hrs
Kozel, Aaron	District	Extra Duty	\$45/hr	5/1-5/26/23	Campus Connection/After School Teacher, 14.25 hrs
Kuykendall, Colleen	Patterson Road / Alice Shaw	V	\$126,883	2023-24	Approval of Administrative Contract
Lear, Jamie	District	Extra Duty	\$45/hr	5/1-5/19/23	Campus Connection/After School Teacher, 8.45 hrs
Manich, Cher	Orcutt I/S and Specials	IV	\$122,592	2023-24	Approval of Administrative Contract
Matson, Carey	Ralph Dunlap	Daily Hourly	\$140 \$28	5/3-5/8/23 2023-24	Shadow for Art Position, 2 days Hourly Art Teacher, 15 hrs wk
Mendez, Ron	Orcutt Academy HS	Stipend	\$1,792	2023-24	Coach, Varsity Football
Millan, Laurie	Alice Shaw	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
Musick, Christin	Pine Grove	III-4	\$63,216	2023-24	Completed Units for Movement
Norling, Michaela	District	Extra Duty	\$45/hr	3/29-6/6/23	Home & Hospital, 24.50 hrs
Pankratz, Ellen	Orcutt Academy HS	Hourly	\$28	5/1-6/7/23	Piano Accompanist, 40 hrs
Pay, Eimile	Orcutt Academy HS	III-2	\$59,184*	2023-24	Approval of Temporary Contract, 60%

*To be prorated

NAME	SCHOOL	CLASS/STEP	SALARY	EFFECTIVE DATE	ACTION INFORMATION
Ramirez, Emily	Undetermined	III-1	\$57,262	2023-24	Approval of Temporary Contract
Ramos, Christian	Orcutt Academy HS	Stipend	\$1,483	2023-24	Coach, JV Boys Basketball
Reyes, Stephanie	Joe Nightingale	III-1	\$57,262 \$7,500	2023-24	Approval of Provisional Internship Permit (PIP) Signing Bonus Paid Over 2 Years
Richardson, Laura	District	Hourly	\$30	5/19-6/6/23	Home & Hospital, 8.50 hrs
Riezebos, Devin	District	Extra Duty	\$45/hr	5/2-5/26/23	Campus Connection/After School Teacher, 25 hrs
Riley, Kristen	Pine Grove / Olga Reed / Orcutt Academy K-8	III-6	\$67,531	2023-24	Approval of Probationary Contract
Salvesen, Kristin	District	Hourly	\$28	5/15/23	Proctor, 3 hrs
Saylor, Jennifer	District	Extra Duty	\$45/hr	4/24-6/5/23	Home & Hospital, 10.25 hrs
Schmidt, Elise	Orcutt JHS	V-15	\$98,721	2023-24	Submitted Units for Movement
Steven, Daisy	Undetermined	VI-8	\$82,911	2023-24	Approval of Temporary Contract
Takier, Jennifer	Alice Shaw	Hourly	\$28	2023-24	Hourly Art Teacher, 15 hrs wk
Thompson, Brittaney	Pine Grove	VI-10	\$88,589	2023-24	Completed units and MA Degree
Thompson, Linda	District	Hourly	\$28	5/2-5/18/23	Proctor, 16 hrs
Trotter, Patrick	Orcutt JHS	III-2	\$59,184 \$3,750	2023-24	Approval of Probationary Contract Signing Bonus (2 nd part)
Twisselman, Lindsay	Olga Reed	VI-3	\$70,275	2023-24	Completed units and MA Degree
York, Sarah	District	Extra Duty	\$45/hr	5/1-5/26/23	Campus Connection/After School Teacher, 21 hrs
Whitted, Dana	Olga Reed / Orcutt Academy K-8	Hourly	\$28	2023-24	Hourly Support Teacher, 24 hrs wk
William, Kari	Orcutt JHS	Stipend	\$1,792	2023-24	Cheer Advisor
Zimmerman, Lauren	District	Extra Duty	\$45/hr	5/1-6/28/23	Home & Hospital, 52 hrs

*To be prorated

**Orcutt Union School District
Board of Trustees
Special Meeting Minutes
June 14, 2023**

CALL TO ORDER

A special meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, June 14, 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 Sandra Knight. It was moved by Lisa Morinini seconded by Liz Phillips to adopt the June 14, 2023 agenda. Members Present: Henderson, Morinini, Phillips, Waffle, and Steller. Administrators Present: Edds, Salucci, Dana, and Knight.

PUBLIC COMMENTS

None

CONSENT AGENDA ITEMS

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of June 7, 2023 Regular Board Meeting Minutes
- D. Copier Lease Agreement with the Ray Morgan Company for the 2023-2024 School Year
- E. Contract with EDPress for Website Hosting Services for the 2023-2024 School Year

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

ACTION ITEMS

2023-2024 Orcutt Union School District Budget Adoption

It is moved by Mark Steller seconded by Melanie Waffle and carried to adopt the 2023-2024 Orcutt Union School District Budget, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Resolution No. 23 Commit and Uncommit the General Fund Balance

It was moved by Liz Phillips seconded by Lisa Morinini and carried to adopt Resolution No. 23 Commit and Uncommit the General Fund Balance, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Resolution No. 24 A Resolution of the Board of Trustees of the Orcutt Union School District Authorizing the Issuance of Orcutt Union School District Election of 2016 General Obligation Bonds, Series C, and Actions Related Thereto

It was moved by Liz Phillips seconded by Mark Steller and carried to adopt Resolution No. 24 Authorizing the Issuance of Orcutt Union School District Election 2016 General Obligation Bonds, Series C, and Actions Related Thereto, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Grant Agreement with the Santa Barbara County Air Pollution Control District for the Purchase of an Electric School Bus

It was moved by Mark Steller seconded by Melanie Waffle and carried to approve the Grant Agreement with the Santa Barbara County Air Pollution Control District for the Purchase of an Electric School Bus, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Memorandum of Understanding between Orcutt Union School District and the Santa Barbara County Office of Education for District Property located at 3491 Point Sal Road, Casmalia

It was moved by Melanie Waffle seconded by Lisa Morinini and carried to approve the Memorandum of Understanding between Orcutt Union School District and the Santa Barbara County Office of Education for District Property located 3491 Point Sal Road, Casmalia, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Adoption of the 2023-2024 Orcutt Union School District Local Control and Accountability Plan (LCAP)

It was moved by Liz Phillips seconded by Lisa Morinini and carried to adopt the Orcutt Union School

District 2023-2024 Local Control and Accountability Plan (LCAP), as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Adoption of the 2023-2024 Orcutt Academy Charter Local Control and Accountability Plan (LCAP)

It was moved by Mark Steller seconded by Melanie Waffle and carried to adopt the Orcutt Academy Charter 2023 - 2024 Local Control and Accountability Plan (LCAP), as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Resolution No. 25 2023-2024 District Waiver of Credential Authorization

It is was moved by Liz Phillips seconded by Melanie Waffle and carried to adopt Resolution No. 25 2023-2024 District Waiver of Credential Authorization, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

Resolution No. 26 2023-2024 Charter Waiver of Credential Authorization

It was moved by Lisa Morinini seconded by Mark Steller and carried to adopt Resolution No. 26 2023-2024 Charter Waiver of Credential Authorization, as submitted. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

CLOSED SESSION PUBLIC COMMENTS

None

ADJOURN TO CLOSED SESSION

It was moved by Liz Phillips seconded by Lisa Morinini and carried to adjourn to Closed Session at 6:51 p.m. Ayes: Henderson, Morinini, Phillips, Waffle, and Steller.

RECONVENE TO PUBLIC SESSION

It was moved by Mark Steller seconded by Lisa Morinini and carried reconvene to Public Session at 7:50 p.m. Shaun Henderson reported that no action was taken in Closed Session.

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, August 9, 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

It was moved by Mark Steller seconded by Lisa Morinini and carried to adjourn the meeting at 7:50 p.m. Ayes: Henderson, Morinini, Phillips, Waffle and Steller.

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.



BUSINESS SERVICES MEMORANDUM

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

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Cooperative Purchasing Programs

BACKGROUND: Orcutt Union School District utilizes cooperative/leveraged purchasing contracts and/or groups to secure bulk or discounted rates for purchases as outlined in Board Policy and Administrative Regulation 3300 and 3311. Purchases through these types of agencies save taxpayer dollars on items such as furniture, technology, supplies, vehicles, equipment, building supplies, etc. There are no member fees with the agencies listed below. Upon approval, the agency membership listed will be in effect for the remainder of the 2022-23 school year.

- Sourcewell (formerly NJPA)
- California Multiple Award Schedule (CMAS)
- U.S. Communities, Government Purchasing Alliance
- National Association of State Procurement Officials (NASPO)
- PEPPM
- Department of General Services (DGS)
- Western States Contracting Alliance (WSCA)
- Nor-Cal Schools Joint Powers
- OMNIA Partners
- The Interlocal Purchasing System (TIPS)

RECOMMENDATION: Staff recommends that the Board of Trustees approve the above mentioned agency memberships for cooperative purchasing. Information regarding individual contracts can be found on each agency's respective website.

FUNDING: N/A

Quarterly Report on Williams Uniform Complaints

[Education Code § 35186]

District: _____

Name of person completing this form: _____

Title of person completing this form: _____

Please provide the date when this information will be reported publicly at the district governing board meeting:

Quarterly report submission date (check one):

April (January — March)
July (April — June)
October (July — September)
January (October — December)

General Subject Area	Total number of complaints	Number of complaints resolved	Number of complaints unresolved
Textbooks and Instructional Materials			
Teacher Misassignment or Vacancies			
Facilities Conditions			
TOTALS			

Signature of district superintendent

Date



AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is effective July 1, 2023, between the ORCUTT UNION SCHOOL DISTRICT (“Client”) and the law firm of LOZANO SMITH, LLP (“Attorney”) (each a “Party” and collectively the “Parties”). Attorney shall provide legal services as requested by Client on the following terms and conditions:

1. **ENGAGEMENT.** Client hires Attorney on an as-requested basis as its legal counsel with respect to matters the Client refers to Attorney. When Client refers a matter to Attorney, Attorney shall confirm availability and ability to perform legal services regarding the matter. After Attorney has completed services for the specific matter referred by Client, then no continuing attorney-client relationship exists until Client requests further services and Attorney accepts a new engagement. If Attorney undertakes to provide legal services to represent Client in such matters, Attorney shall keep Client informed of significant developments and respond to Client’s inquiries regarding those matters. Client understands that Attorney cannot guarantee any particular results, including the costs and expenses of representation. Client agrees to be forthcoming with Attorney, to cooperate with Attorney in protecting Client’s interests, to keep Attorney fully informed of developments material to Attorney’s representation of client, and to abide by this Agreement. Client is hereby advised of the right to seek independent legal advice regarding this Agreement.
2. **RATES TO BE CHARGED.** Client agrees to pay Attorney for services rendered based on the attached rate schedule. Agreements for legal fees on other-than-an-hourly basis may be made by mutual agreement for special projects (including as set forth in future addenda to this Agreement).
3. **REIMBURSEMENT.** Client agrees to reimburse Attorney for actual and necessary expenses and costs incurred in the course of providing legal services to Client, including but not limited to expert, consultant, mediation, arbitration fees and e-discovery service fees. Attorney shall not be required to advance costs on behalf of Client over the amount of \$1,000 unless otherwise agreed to in writing by Attorney. Typical expenses advanced for Client, without prior authorization, include messenger fees, witness fees, expedited delivery charges, travel expenses, court reporter fees and transcript fees. Client authorizes Attorney to retain experts or consultants to perform services.
4. **MONTHLY INVOICES.** Attorney shall send Client a statement for fees and costs incurred every calendar month (the “Statement”). Statements shall set forth the amount, rate and description of services provided. Client shall pay Attorney’s Statements within thirty (30) calendar days after receipt. An interest charge of one percent (1%) per month shall be assessed on balances that are more than thirty (30) calendar days past due, not to exceed 10% per annum.
5. **COMMUNICATIONS BETWEEN ATTORNEY AND CLIENT.** The Parties recognize that all legal advice provided by Attorney is protected by the Attorney-Client and Work Product

Privileges. In addition to regular telephone, mail and other common business communication methods, Client hereby authorizes Attorney to use facsimile transmissions, cellular telephone calls and text, unencrypted email, and other electronic transmissions in communicating with Client. Unless otherwise instructed by Client, any such communications may include confidential information.

6. **POTENTIAL AND ACTUAL CONFLICTS OF INTEREST.** If Attorney becomes aware of any potential or actual conflict of interest between Client and one or more other clients represented by Attorney, Attorney will comply with applicable laws and rules of professional conduct.

7. **INDEPENDENT CONTRACTOR.** Attorney is an independent contractor and not an employee of Client.

8. **TERMINATION.**

a. Termination by Client. Client may discharge Attorney at any time, with or without cause, by written notice to Attorney.

b. Termination by Mutual Consent or by Attorney. Attorney may terminate its services at any time with Client's consent or for good cause. Good cause exists if (a) Client fails to pay Attorney's Statement within sixty (60) calendar days of its date, (b) Client fails to comply with other terms of this Agreement, including Client's duty to cooperate with Attorney in protecting Client's interests, (c) Client has failed to disclose material facts to Attorney or (d) any other circumstance exists that requires termination of this engagement under the ethical rules applicable to Attorney. Additionally, to the extent allowed by law, Attorney may decline to provide services on new matters or may terminate the Agreement without cause upon written notice to Client if Attorney is not then providing any legal services to Client. Even if this Agreement is not terminated, under paragraph 1 an attorney-client relationship exists only when Attorney is providing legal services to Client.

c. Following Termination. Upon termination by either Party: (i) Client shall promptly pay all unpaid fees and costs for services provided or costs incurred pursuant to this Agreement up to the date of termination; (ii) unless otherwise required by law or agreed to by the Parties, Attorney will provide no legal services following notice of termination; (iii) Client will cooperate with Attorney in facilitating the orderly transfer of any outstanding matters to new counsel, including promptly signing a substitution of counsel form at Attorney's request; and (iv) Client shall, upon request, be provided the Client's file maintained for the Client by Attorney and shall sign acknowledgment of receipt upon delivery of that file. For all Statements received by Client from Attorney prior to the date of termination, Client's failure to notify Attorney in writing of any disagreement with either the services performed or the charges for those services as shown in the Statement within thirty (30) calendar days of the date of termination shall be deemed Client's acceptance of and agreement with the Statement. For any billing appearing for the first time on a Statement received by Client from Attorney after the date

of termination, failure to notify Attorney in writing of any disagreement with either the services performed or the charges for those services within thirty (30) calendar days from receipt of the Statement shall be deemed to signify Client's acceptance of and agreement with the Statement.

9. **MAINTENANCE OF INSURANCE.** Attorney agrees that, during the term of this Agreement, Attorney shall maintain liability and errors and omissions insurance.

10. **CONSULTANT SERVICES.** Attorney works with professional consultants that provide services, including but not limited to, investigations, public relations, educational consulting, leadership mentoring and development, financial, budgeting, management auditing, board/superintendent/chancellor relations, administrator evaluation and best practices, and intergovernmental relations. Attorney does not share its legal fees with such consultants. Attorney may offer these services to Client upon request.

11. **DISPUTE RESOLUTION.**

a. **Mediation.** Except as otherwise set forth in this section, Client and Attorney agree to make a good faith effort to settle any dispute or claim that arises under this Agreement through discussions and negotiations and in compliance with applicable law. In the event of a claim or dispute, either Party may request, in writing to the other Party, to refer the dispute to mediation. This request shall be made within thirty (30) calendar days of the action giving rise to the dispute. Upon receipt of a request for mediation, both Parties shall make a good faith effort to select a mediator and complete the mediation process within sixty (60) calendar days. The mediator's fee shall be shared equally between Client and Attorney. Each Party shall bear its own attorney fees and costs. Whenever possible, any mediator selected shall have expertise in the area of the dispute and any selected mediator must be knowledgeable regarding the mediation process. No person shall serve as mediator in any dispute in which that person has any financial or personal interest in the outcome of the mediation. The mediator's recommendation for settlement, if any, is non-binding on the Parties. Mediation pursuant to this provision shall be private and confidential. Only the Parties and their representatives may attend any mediation session. Other persons may attend only with the written permission of both Parties. All persons who attend any mediation session shall be bound by the confidentiality requirements of California Evidence Code section 1115, et seq., and shall sign an agreement to that effect. Completion of mediation shall be a condition precedent to arbitration, unless the other Party refuses to cooperate in the setting of mediation.

b. **Dispute Regarding Fees.** Any dispute as to attorney fees and/or costs charged under this Agreement shall to the extent required by law be resolved under the California Mandatory Fee Arbitration Act (Bus. & Prof. Code §§ 6200, et seq.).

c. **Binding Arbitration.** Except as otherwise set forth in section (b) above, Client and Attorney agree to submit all disputes to final and binding arbitration, either following mediation which fails to resolve all disputes or in lieu of mediation as may be agreed by

the Parties in writing. Either Party may make a written request to the other for arbitration. If made in lieu of mediation, the request must be made within sixty (60) calendar days of the action giving rise to the dispute. If the request for arbitration is made following an unsuccessful attempt to mediate the Parties' disputes, the request must be made within ten (10) calendar days of termination of the mediation. The Parties shall make a good faith attempt to select an arbitrator and complete the arbitration within ninety (90) calendar days. If there is no agreement on an arbitrator, the Parties shall use the Judicial Arbitration and Mediation Service (JAMS). The arbitrator's qualifications must meet the criteria set forth above for a mediator, except, in addition, the arbitrator shall be an attorney unless otherwise agreed by the Parties. The arbitrator's fee shall be shared equally by both Parties. Each Party shall bear its own attorney fees and other costs. The arbitrator shall render a written decision and provide it to both Parties. The arbitrator may award any remedy or relief otherwise available in court and the decision shall set forth the reasons for the award. The arbitrator shall not have any authority to amend or modify this agreement. Any arbitration conducted pursuant to this paragraph shall be governed by California Code of Civil Procedure sections 1281, et seq. By signing this Agreement, Client acknowledges that this agreement to arbitrate results in a waiver of Client's right to a court or jury trial for any fee dispute or malpractice claim. This also means that Client is giving up Client's right to discovery and appeal. If Client later refuses to submit to arbitration after agreeing to do so, Client maybe ordered to arbitrate pursuant to the provisions of California law. Client acknowledges that before signing this Agreement and agreeing to binding arbitration, Client is entitled, and has been given a reasonable opportunity, to seek the advice of independent counsel.

d. Effect of Termination. The terms of this section shall survive the termination of the Agreement.

12. **ENTIRE AGREEMENT.** This Agreement with its exhibit supersedes any and all other prior or contemporaneous oral or written agreements between the Parties. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. Furthermore, any modification of this Agreement shall only be effective if in writing signed by all Parties hereto.

13. **SEVERABILITY.** Should any provision of this Agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, but the remainder of the Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the Parties; provided, however, that if the invalidity or unenforceability of any provision of this Agreement results in a material failure of consideration, then, to the extent allowed by law, the Party adversely affected thereby shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to the other Party.

14. **NON-WAIVER.** None of the provisions of this Agreement shall be considered waived by either Party unless such waiver is specified in writing.

15. NO THIRD PARTY RIGHTS. This Agreement shall not create any rights in, or inure to the benefit of, any third party.

16. ASSIGNMENT. The terms of this Agreement may not be assigned to any third party. Neither Party may assign any right of recovery under or related to the Agreement to any third party.

SO AGREED:

CLIENT SIGNATURE	ATTORNEY SIGNATURE
Orcutt Union School District	Lozano Smith, LLP
BY <i>(Authorized Signature)</i>	BY <i>(Authorized Signature)</i> 
PRINTED NAME AND TITLE OF PERSON SIGNING	PRINTED NAME AND TITLE OF PERSON SIGNING Karen M. Rezendes, Managing Partner
DATE EXECUTED	DATE EXECUTED 06/21/2023



PROFESSIONAL RATE SCHEDULE
FOR ORCUTT UNION SCHOOL DISTRICT

1. HOURLY PROFESSIONAL RATES

Client agrees to pay Attorney by the following standard hourly rate*:

Partner** / Senior Counsel / Of Counsel	\$ 295 - \$ 395 per hour
Associate	\$ 250 - \$ 295 per hour
Paralegal / Law Clerk	\$ 185 - \$ 225 per hour
Consultant	\$ 350 - \$ 395 per hour

* Rates for individual attorneys within each category above vary based upon years of experience. Specific rates for each attorney are available upon request.

** Rates for work performed by Senior Partners with 20 years of experience or more may range from \$395 - \$450 per hour.¹

2. BILLING PRACTICE

Lozano Smith will provide a monthly, itemized Statement for services rendered. Time billed is broken into 1/10 (.10) hour increments, allowing for maximum efficiency in the use of attorney time. Invoices will clearly indicate the department or individuals for whom services were rendered.

Written responses to audit letter inquiries will be charged to Client on an hourly basis, with the minimum charge for such responses equaling .5 hours. Travel time shall be prorated if the assigned attorney travels for two or more clients on the same trip.

3. COSTS AND EXPENSES

In-office copying/electronic communication printing	\$ 0.25 per page
Facsimile	\$ 0.25 per page
Postage	Actual Usage
Mileage	IRS Standard Rate

Other costs, such as messenger, meals, and lodging shall be charged on an actual and necessary basis.

¹ Sale or Lease of Real Property Work:

Partner / Senior Counsel / Of Counsel	\$ 450 per hour
Associate	\$ 375 per hour
Paralegal / Law Clerk	\$ 225 per hour

2023–24 Application for Funding

CDE Program Contact:

Consolidated Application Support Desk, Education Data Office, ConAppSupport@cde.ca.gov, 916-319-0297

Local Governing Board Approval

The local educational agency (LEA) is required to review and receive approval of their Application for Funding selections with their local governing board.

By checking this box the LEA certifies that the Local Board has approved the Application for Funding for the listed fiscal year	Yes
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District English Learner Advisory Committee Review

Per Title 5 of the California Code of Regulations Section 11308, if your LEA has more than 50 English learners, then the LEA must establish a District English Learner Advisory Committee (DELAC) which shall review and advise on the development of the application for funding programs that serve English learners.

By checking this box the LEA certifies that parent input has been received from the District English Learner Committee (if applicable) regarding the spending of Title III funds for the listed fiscal year	Yes
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Application for Categorical Programs

To receive specific categorical funds for a school year, the LEA must apply for the funds by selecting Yes below. Only the categorical funds that the LEA is eligible to receive are displayed.

Title I, Part A (Basic Grant) ESSA Sec. 1111 et seq. SACS 3010	Yes
Title II, Part A (Supporting Effective Instruction) ESEA Sec. 2104 SACS 4035	Yes
Title III English Learner ESEA Sec. 3102 SACS 4203	Yes
Title III Immigrant ESEA Sec. 3102 SACS 4201	Yes
Title IV, Part A (Student and School Support) ESSA Sec. 4101 SACS 4127	Yes

*****Warning*****

The data in this report may be protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable data privacy laws. Unauthorized access or sharing of this data may constitute a violation of both state and federal law.



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Campus Connection Date: 7/19/2023

DONOR: Name: Ginnie Volovick
Address: 4318 Franklin Rd, Orcutt 93455
Phone No.: (805) 448-7182

GIFT: Item Donated Activity books, paints, craft supplies or Cash Donation \$ _____
(Fill in if money is donated)

Designated for: Students in Campus Connection

General Description: New activity books 35 ea 7th; Drawing books 4 ea 2nd; Liquid water colors set \$50; crafts supplies

Model No.: _____ Condition: New Used

Value (estimated): \$400⁰⁰

Purpose of Gift: Donor recently retired from SB Charter School

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): 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.)



SUPERINTENDENT'S MEMORANDUM

TO: Board of Trustees

FROM: Holly Edds, Ed.D
Superintendent

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Board Bylaw 9322 Agenda/Meeting Materials

BACKGROUND: Board Bylaw 9322 was updated to move material regarding public comments to be with content related language, amend language to be more closely aligned with code language, add material regarding the means for in-person and remote public comments, and reflect New Law (AB2449, 2022), which requires boards to maintain and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation to board meetings for individuals with disabilities. The bylaw was also updated to provide that each agenda for a regular meeting is required to list the address designated by the Superintendent or designee for public inspection of documents related to records of a statement threatening litigation against the district to be discussed in closed session., The policy updates also includes New Law (AB 2647, 2022) which clarifies how districts can, without opening their offices after normal business hours, comply with the portion of the Brown Act that requires writings or documents distributed to a majority of a local legislative body less than 72 hours before a meeting to also be distributed to the public.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Bylaw 9322 Agenda/Meeting Materials, for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING: None

AGENDA/MEETING MATERIALS

Agenda Content

Governing Board meeting agendas shall reflect the district's vision and goals and the Board's focus on student learning **and well-being**.

~~(cf. 0000—Vision)~~

~~(cf. 0200—Goals for the School District)~~

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

~~(cf. 9320—Meetings and Notices)~~

~~(cf. 9321—Closed Session Purposes and Agendas)~~

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. **The agenda for a regular meeting shall also provide members of the public an opportunity to address the Board regarding matters within the subject matter jurisdiction of the Board which are not on the agenda. (Education Code 35145.5; Government Code 54954.3)** ~~However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of the committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item at the meeting and that the time has not been substantially changed since the committee considered it. testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; (Government Code 54954.3)~~

The agenda does not need to provide an opportunity for public comment on an item that has previously been considered at an open meeting by a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item, before or during the committee's consideration of the item, and the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The notice and agenda shall describe the means available for the public to access the meeting and provide public comment in-person and, if a Board member is appearing remotely due to an emergency circumstance or for just cause pursuant to Government Code 54953, through an internet-based service or call-in option. (Government Code 54953)

The agenda shall include information regarding how, when, and to whom a request for disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Board meeting, as well as the procedure for receiving and resolving such requests as required by law. (Government Code 54954.2, 54953)

~~The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject-matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)~~

~~(cf. 9323—Meeting Conduct)~~

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item, **or for records of a statement threatening litigation against the district to be discussed in closed session**, when such documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

~~The agenda shall include information regarding how, when and to whom a request should be made if an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)~~

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. ~~Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.~~

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information, **and if so, respond accordingly**. ~~or whether the issue is covered by an existing policy or administrative regulation.~~

If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, or an information item, **and when the items is to be placed on the agenda**. ~~that does not require immediate action.~~

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action

as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered **at an open meeting of a committee comprised of Board Members**. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

~~(cf. 9323.2—Actions by the Board)~~

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

~~(cf. 1312.1—Complaints Concerning District Employees)~~

~~(cf. 1312.2—Complaints Concerning Instructional Materials)~~

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

~~(cf. 1312.4—Williams Uniform Complaint Procedures)~~

~~(cf. 3320—Claims and Actions Against the District)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent or designee shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or to request additional information on agenda items. However, a majority of Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

~~(cf. 9012—Board Member Electronic Communications)~~

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

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)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code

54954.2. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code 54954.2)

~~(cf. 1113—District and School Web Sites)~~

~~(cf. 1340—Access to District Records)~~

~~If a document which relates to an open session of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the board. (Government Code 54957.5)~~

If a writing which relates to an open session agenda item or which contains a claim or written threat of litigation which will be discussed in closed session during a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the writing available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board. However, if the writing is distributed to at least a majority of the Board at a time when the designated location is closed to the public, this requirement may be satisfied by posting the writing on the district website if the following conditions are met: (Government Code 54957.5)

1. An initial staff report or similar document containing an executive summary and any staff recommendations related to the agenda item is made available for public inspection at the designated location at least 72 hours before the meeting
2. The writing is immediately posted on the district's website in a position and manner that makes it clear that the writing relates to an agenda item for the upcoming meeting
3. The district lists the website address where such writings may be accessed on all Board meeting agendas
4. A physical copy of the document is made available for public inspection at the designated location at the beginning of the next regular business hours, but not less than 24 hours before the relevant Board meeting

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

The Superintendent or designee shall email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet to any person who requests such items to be delivered by email. If the Superintendent or designee determines that it is technologically infeasible to do so, a copy of the agenda or a website link to the agenda and a copy of all other documents constituting the agenda packet shall be sent to the person who has made the request in accordance with mailing requirements specified in law. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any documents prepared by the district or the Board and distributed during a public meeting shall

be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

State

Ed. Code 35144: Special meeting

Ed. Code 35145: Public meetings

Ed. Code 35145.5: Agenda; public participation and regulations

Ed. Code 49061: Definitions; directory information

Ed. Code 49073.2: Privacy of student and parent/guardian personal information; minutes of board meeting

Gov. Code 53635.7: Separate item of business for borrowing of \$100,000 or more

Gov. Code 54953: Meetings; Americans with Disabilities Act accessibility

Gov. Code 54954.1: Request for copy of agenda or agenda packet by member of public

Gov. Code 54954.2: Agenda posting requirements; board actions

Gov. Code 54954.3: Opportunity for public to address legislative body

Gov. Code 54954.5: Closed session item descriptions

Gov. Code 54956.5: Emergency meetings

Gov. Code 54956.9: Meetings

Gov. Code 54957.5: Public records

Gov. Code 54960.2: Challenging board actions; cease and desist

Gov. Code 7920.000 - 7930.170: California Public Records Act

Gov. Code 95000-95004: California Early Intervention 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: 99 Ops. Cal. Atty. Gen. 11 (2016)

Attorney General Opinion: 78 Ops. Cal. Atty. Gen. 327 (1995)

Attorney General Publication: The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision: Sierra Watch v. County of Placer (2022) 69 Cal.App.5th 86

Court Decision: Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68

Court Decision: Caldwell v. Roseville Joint Union High School District (2007) U.S. Dist. LEXIS 66318

Court Decision: Mooney v. Garcia (2012) 207 Cal.App.4th 229

CSBA Publication: The Brown Act: School Boards and Open Meeting Laws, rev. 2019

CSBA Publication: Call to Order: A Blueprint for Great Board Meetings, 2018

Website: CSBA District and County Office of Education Legal Services

Website: California Attorney General's Office

Website: CSBA

Legal Reference:

EDUCATION CODE

~~35144 Special meetings~~

~~35145 Public meetings~~

~~35145.5 Right of public to place matters on agenda~~

GOVERNMENT CODE

~~6250-6270 Public Records Act~~

~~53635.7 Separate item of business~~

~~54954.1 Mailed agenda of meeting~~

~~54954.2 Agenda posting requirements; board actions~~

~~54954.3 Opportunity for public to address legislative body~~

~~54954.5 Closed session item descriptions~~

~~54956.5 Emergency meetings~~
~~54957.5 Public records~~
~~54960.2 Challenging board actions; cease and desist~~
~~UNITED STATES CODE, TITLE 42~~
~~12101-12213 Americans with Disabilities Act~~
~~CODE OF FEDERAL REGULATIONS, TITLE 28~~
~~35.160 Effective communications~~
~~36.303 Auxiliary aids and services~~
~~COURT DECISIONS~~
~~Mooney v. Garcia, (2012) 207 Cal. App. 4th 229~~
~~Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318~~
~~Management Resources:~~
~~CSBA PUBLICATIONS~~
~~Call to Order: A Blueprint for Great Board Meetings, 2010~~
~~The Brown Act: School Boards and Open Meeting Laws, rev. 2009~~
~~ATTORNEY GENERAL PUBLICATIONS~~
~~The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003~~
~~WEB SITES~~
~~CSBA, Agenda Online: <http://www.csba.org>~~
~~California Attorney General's Office: <http://www.oag.ca.gov>~~

Bylaw Adopted: ~~04/10/19~~ 9/13/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



SUPERINTENDENT'S MEMORANDUM

TO: Board of Trustees

FROM: Holly Edds, Ed.D
Superintendent

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Board Bylaw 1113 District and School Websites

BACKGROUND: Board Bylaw 1113 was updated to incorporate concepts from New Law (AB 2273, 2022) which, although not necessarily applicable to districts, requires a business that provides an online service, product, or feature likely to be accessed by children to comply with specified requirements and provides good guidance for districts seeking to create a safe online space for students.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Bylaw 1113 District and School Websites, for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING: None

Community Relations
DISTRICT AND SCHOOL WEB SITES

BP 1113 (a)

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school websites. The use of district and school websites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

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

Guidelines for Content

The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school websites.

Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

~~(cf. 1340—Access to District Records)~~

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

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

~~(cf. 5125—Student Records)~~

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

~~Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information.~~

~~Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.~~

Community Relations

Staff members' ~~Employees'~~ home addresses, ~~or~~ **personal** telephone numbers, **and personal email addresses** shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, **7928.205, 7920.535** ~~6254.21, 6254.24~~)

No public safety official shall be required to consent to the posting on the Internet of ~~his/her~~ **the public safety official's** photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

(cf. ~~3515.3~~ — District Police/Security Department)

Legal Reference:

EDUCATION CODE

~~35182.5~~ Contracts for advertising

~~35258~~ Internet access to school accountability report cards

~~48907~~ Exercise of free expression; rules and regulations

~~48950~~ Speech and other communication

~~49061~~ Definitions, directory information

~~49073~~ Release of directory information

~~60048~~ Commercial brand names, contracts or logos

GOVERNMENT CODE

~~3307.5 Publishing identity of public safety officers~~

~~6254.21 Publishing addresses and telephone numbers of officials~~

~~6254.24 Definition of public safety official~~

~~11135 Nondiscrimination; accessibility to state web sites~~

PENAL CODE

~~14029.5 Prohibition against publishing personal information of person in witness protection program~~

UNITED STATES CODE, TITLE 17

~~101.1101 Federal copyright law~~

UNITED STATES CODE, TITLE 20

~~1232g Federal Family Educational Rights and Privacy Act~~

UNITED STATES CODE, TITLE 29

Community Relations

~~794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites~~

UNITED STATES CODE, TITLE 42

~~12101-12213 Americans with Disabilities Act~~

CODE OF FEDERAL REGULATIONS, TITLE 16

~~312.1-312.12 Children's Online Privacy~~

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

~~Arias v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112~~

Management Resources:

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

~~Accessibility of State and Local Government Websites to People with Disabilities, June 2003~~

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

~~Web Content Accessibility Guidelines, December 2008~~

WEB SITES

~~CSBA: <http://www.esba.org>~~

~~California Department of Education, Web Accessibility Standards:~~

~~<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>~~

~~California School Public Relations Association: <http://www.calspra.org>~~

~~U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>~~

~~World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>~~

State

Bus. and Prof. Code 22580-22582: Privacy rights for California minors in the digital world

Bus. and Prof. Code 22584-22585: Student Online Personal Information Protection Act

Bus. and Prof. Code 22586-22587: Early Learning Personal Information Protection Act

Civ. Code 1798.99.31: California Age-Appropriate Design Code Act

Ed. Code 32096: COVID-19 testing in schools

Ed. Code 32526: COVID Emergency Appropriations for Education
Ed. Code 35182.5: Contracts for advertising
Ed. Code 35258: Internet access to school accountability report cards
Ed. Code 48852.6: Information regarding homelessness
Ed. Code 48907: Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950: Speech and other communication
Ed. Code 49061: Definitions; directory information
Ed. Code 49073: Release of directory information
Ed. Code 60048: Commercial brand names, contracts or logos
Gov. Code 11135: Prohibition of discrimination
Gov. Code 12950: California Civil Rights Department posters
Gov. Code 3307.5: Publishing identity of public safety officers
Gov. Code 7920.000 - 7930.170: California Public Records Act
Pen. Code 14029.5: Prohibition against publishing personal information of person in witness protection program
Pub. Res. Code 21082.1: California Environmental Quality Act environmental review documents

Federal

16 CFR 312.1-312.13: Children's Online Privacy Protection Act
17 USC 101-122: Subject matter and scope of copyright
17 USC 504: Penalties for copyright infringement
20 USC 1232g: Family Educational Rights and Privacy Act (FERPA) of 1974
29 USC 705: Definitions; Vocational Rehabilitation Act
29 USC 794: Rehabilitation Act of 1973; Section 504
34 CFR 104.1-104.61: Nondiscrimination on the basis of disability
34 CFR 99.1-99.67: Family Educational Rights and Privacy
42 USC 12101-12213: Americans with Disabilities Act

Management Resources

CA Civil Rights Department Publication: Sexual Harassment
CA Civil Rights Department Publication: FamilyCare and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication : California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication: Transgender Rights in the Workplace
CA Civil Rights Department Publication : Your Rights and Obligations as a Pregnant Employee
Court Decision: Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Court Decision: City of San Jose v. Superior Court, (2017) 2 Cal.5th 608
U.S. Department of Agriculture Publication: Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016
U.S. Department of Justice Publication: Accessibility of State and Local Government Websites to People with Disabilities, June 2003
U.S. DOE Office for Civil Rights Publication: Joint Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter, May 26, 2011
Website: CSBA District and County Office of Education Legal Services
Website : Governor's Office of Planning and Research, The California Environmental Quality Act
Website: California Department of Education, Web Accessibility Standards
Website: California School Public Relations Association
Website: U.S. Department of Justice, Civil Rights Division, Disability Rights Section
Website: World Wide Web Consortium, Web Accessibility Initiative
Website: CSBA
Website: U.S. Department of Education, Office for Civil Rights
Website: California Civil Rights Department
World Wide Web Consortium Publication: Web Content Accessibility Guidelines, December 2008

Policy Adopted: ~~02/08/2012~~ 09/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



Orcutt Union School District Governance Handbook

December 14, 2022 August 9, 2023

Board of Trustees

Shaun Henderson, President

~~Liz Phillips~~ Lisa Morinini, Clerk

Lisa Morinini Liz Phillips, Member

Melanie Waffle, Member

Mark Steller, Member

Superintendent

Holly Edds

EFFECTIVE GOVERNANCE

Unity of Purpose, Roles, Responsibilities, Norms and Protocols

*This document reflects the governance team's work on the creation of a framework for effective governance. This process involves **ongoing** discussions and agreements about unity of purpose, roles, norms and protocols that enable the governance team to continue to perform its responsibilities in a way that best benefits all children.*

On February 23, 2022, Orcutt Union School District Board of Trustees and Superintendent participated in workshops on Effective Governance. This document reflects the governance team’s discussions about developing and sustaining a framework for effective governance and includes highlights of their conversation about unity of purpose, roles, norms and protocols that enable the governance team to continue to perform its responsibilities in a way that best serves all students.

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UNITY OF PURPOSE

Unity of purpose is the common focus, overarching goals, and the core values, beliefs and principles governing body members share in common about children, the district and public education

UNITY OF PURPOSE

We Believe that a Strong Governance Team is One...

- Where Team member's respects each other and the team, as a whole
- In which every team member is committed to their role and to working as a team
- Where everyone comes to meetings prepared and pays attention to the agenda
- In which everyone works as a team while allowing for individual perspectives
- Where everyone keeps their focus on our vision and the purpose of the district
- That provides leadership and works toward common goals

UNITY OF PURPOSE

I Chose to Serve on this Governance Team, Because...

- I believe in service above self
 - Of the importance of educating youth
 - I want to give back to the community and district and continue to see our award winning district continue to go down the same path
 - I am committed to the School District and have always been a part of it
 - I believe in equity for all students
 - I believe that my background and life experiences are of benefit to the District
 - Kids come first!
-

UNITY OF PURPOSE

What We Are Most Proud of About this District and Want to Preserve:

- That we are student focused, our family atmosphere and embrace collaborative decision making
- Our strong communication
- That we provide a strong academic program for our students in a safe, nurturing environment
- Strong, respectful leadership that has been built year after year
- Strong messaging – We promote the culture of the district and make it desirable for families and teachers to be here
- The Board is visible and approachable which leads to a family environment
- We do well with interventions for students who need extra help
- District change is minimal in comparison to other districts
- Strong social media
- Our technology
- 21st Century classrooms
- Coming together as a team that puts kids first and communicates that message
- Students come first
- We provide good stewardship
- The success of our district
- What has been done with the budget - Flexibility with the money that we had
- Advancement of learning opportunities
- Maintaining high expectations for all – we expect students to meet those high expectations and educators to teach high expectations

UNITY OF PURPOSE

What We Hope to Accomplish as a Team...

- ~~Being a team~~ **Set an example of teamwork and leadership**
- Continuing to advance technology
- Having the district and community work closely in partnership with each other
- Staying focused on our goals and continuing the excellence
- Maintaining the focus on putting students first; focusing on programs that help them prepare for their future – addressing the ‘whole child’
- Appreciating and supporting the staff
- Transparency and stability

Our Mission

Students at Orcutt Union School District come first. Our mission is to safely nurture, educate, inspire, and empower our students to successfully navigate and thrive in an ever changing world.

Our Vision

As the heart of the communities we serve, the Orcutt Union School District will foster high levels of student success through multiple pathways of learning. Our highly trained, dedicated staff will offer all students a world-class education, that leads the way in innovation and creativity, and will be known for its caring, collaborative, and inclusive culture.

Our Goals

High Quality Instruction

We will provide and support engaging, high quality instruction, which promotes active learning and maximizes student achievement while creating a positive culture.

Future Ready

We will provide an innovative curriculum, utilizing flexible learning environments that will prepare students to be future-ready, and thrive in a global society.

Professional Development & Wellness

We will provide our staff inspiring, relevant, and meaningful, learning and wellness opportunities in a safe supportive environment, to prepare for the ever-changing needs of our district.

Whole Child Approach

We will provide inspiring, creative, healthy and safe environments that nurture imagination and compassion; fostering engaged, supported and challenged students.

Resources

We will be good stewards of our resources and pursue new avenues to support the goals of our district.

GAINING CLARITY ON ROLES AND RESPONSIBILITIES

The Role of the Board and Superintendent - CSBA:

School board “trustees” are the representatives of the people, elected to ensure the district schools educate the children in consideration of the interests of the local community. The role of the School Board is to govern the school district.

The superintendent is hired by the school board to provide the professional expertise in the day-to-day operations of the district. The role of the Superintendent is:

1. To work with the school board to develop an effective governance leadership team.
2. To serve as the chief administrative officer for the school district.

Performing Board Responsibilities - CSBA:

We Set the Direction for the Community’s Schools by:

- Focusing on student learning
- Assessing district needs
- Generating, reviewing and revising setting direction documents: (beliefs, vision, priorities, strategic goals, success indicators)
- Ensuring an appropriate inclusive process is used to develop these documents
- Ensuring that these documents are the driving force for all district efforts

We establish an effective and efficient Structure for the school district by:

- Employing the superintendent
- Setting policy for hiring of other personnel
- Setting policies
- Setting direction for and adopting the curriculum
- Establishing budget priorities and adopting the budget
- Overseeing facilities issues
- Providing direction for and voting to accept collective bargaining agreements

We Provide Support through our behavior and actions by:

- Acting with a professional demeanor that models the district’s beliefs and vision
- Making decisions and providing resources that support mutually agreed upon priorities and goals
- Upholding board approved district policies
- Ensuring a positive personnel climate exists
- Being knowledgeable about district efforts and able to explain them to the public

We Ensure Accountability to the Public by:

- Evaluating the superintendent
- Monitoring, reviewing and revising policies
- Serving as a judicial and appeals body

- Monitoring student achievement and program effectiveness and requiring program changes as indicated
- Monitoring and adjusting district finances
- Reviewing facilities issues
- Monitoring the collective bargaining process

We Act as Community Leaders by:

- Speaking with a common voice about district priorities, goals and issues
 - Engaging and involving the community in district schools and activities
 - Communicating clear information about policies, programs and fiscal conditions of the district
 - Educating the community and the media about issues facing the district and public education
 - Advocating for children, district programs and public education to the general public, community, and local, state and national leaders
-

Orcutt Union School District Governance Team

AGREEMENTS TO FACILITATE GOVERNANCE LEADERSHIP

Governance Team Norms and Protocols:

The Board of Education for the Orcutt Union School District is entrusted by the community to uphold the Constitutions of California and the United States, to protect the public's interest in the schools, and to ensure that a high-quality education is provided to each student. To effectively meet district challenges, the Board and Superintendent must function together as a governance leadership team. Agreed upon behaviors or norms, and operating procedures or protocols, support consistent behavior and actions among team members. The purpose of the Orcutt Union SD governance team agreements is to ensure that a positive and productive working relationship exists among board members, the superintendent, district staff, students, and the community. Norms and protocols are developed for and by the members of the governance team and may be modified over time as needed.

Our Agreements to Facilitate Governance Leadership:

Norms

Our Governance Team wishes to create a culture that models

...

- **Commitment to the district and to the work:**
 - **Preparing for and attending meetings**
 - **Attendance –ensuring that there is a quorum**
 - **Being at schools and school events**
- **Flexibility – working with the entire group to represent the Board and respond to the need for special meetings**
- **Open, honest communication**
- **Agreeing to disagree without hard feelings**
- **Demonstrating respect for one another**
- **Taking the time to get to know each other**
- **Thinking through items before bringing them forth in open session**
- **Representing the school district with the upmost professionalism at all times**

To this end, we have adopted the following meeting guidelines:

Meeting Guidelines

- We will keep our focus on the best interest of our students
- We will stay focused on our goals and avoid getting sidetracked from the agenda
- We will wait to speak until a team member has finished talking
- Everyone's opinions count; we will be open to the ideas of others
- We will build upon the ideas of others and look for common ground. We will paraphrase for understanding
- Each member will take responsibility for the work of the team. We will each be responsible for the success of the meeting – participate equally and address concerns
- We will respect differences and show respect
- We will respect the recommendations, logic and guidance of the staff
- We will come to meetings prepared, ask questions in advance and not put staff on the spot
- We will work toward the future – learning from the past
- We will come to meetings with an open mind
- If a member chooses to abstain from a vote, they will provide an explanation at the time of the vote

ORCUTT UNION SCHOOL DISTRICT

Protocols

STRUCTURE AND PROCESS

Effective Governance Teams discuss and agree upon the formal structures and processes, or protocols, used by the Board and Superintendent in their functioning as a team. These structures and processes guide the operation of the Governance Team and determine how they do business. Protocols are the agreements that ensure that all members of the team are operating within their agreed upon roles.

The following protocols were developed by the Governance Team.

Protocols to Facilitate Governance Leadership:

	Confidentiality
Rationale	<ul style="list-style-type: none">• The governing board recognizes the importance of maintaining the confidentiality of information acquired as part of a board member's official duties
Protocol	<ul style="list-style-type: none">• All trustees will strive to maintain the public's trust by not breaching confidentiality including all information from closed session• A trustee who inadvertently or accidentally violates a confidential issue, will take immediate responsibility for correcting the action and notifying the superintendent and/or president of the board

	Receiving Community or Staff Concerns and/or Complaints
Rationale	<ul style="list-style-type: none">• Board members want to be accessible, responsive, consistent and fair in dealings with complaints and concerns from the community and staff• The board values open communication and timely resolution of issues.
Protocol	<p>When approached with an issue or concern, trustees agree to:</p> <ul style="list-style-type: none">• Listen openly, being careful to remain neutral, except when the issue is one that may come before us in our judicial role (personnel issues and student discipline). That information will be shared with the entire Board at the appropriate place and time - during the hearing. In that case, we will explain to the complainant that listening to their concern will require us to recuse ourselves when the matter does come before the Board, much the same way that a juror would be removed from the jury box for hearing evidence outside the courtroom during a trial• Remind staff and members of the community that no individual trustee has the authority to solve the issue/concern• Encourage addressing this with the person who can most directly help

	<p>with their concern, e.g. teacher, principal, superintendent</p> <ul style="list-style-type: none"> Trustees will notify the superintendent of the issue or concern, as appropriate
--	--

Requesting Information from Staff	
Rationale	<ul style="list-style-type: none"> Critical to the ability of trustees to make informed decisions is timely access to information The superintendent wants to be responsive to requests for information, maintain the focus on district priorities and balance the management of staff time. Staff includes both district and site level leadership
Protocol	<ul style="list-style-type: none"> Trustees will always address the superintendent when asking questions or requesting additional information on board meeting agenda items, as well as other district operational matters The superintendent will ensure timely responses to requests and will provide the information or direct trustees to the correct source if the requested information could be used in decision making. The superintendent will distribute answers to all trustees If a request for information would take a significant amount of staff time to complete, the request will be brought to the board to decide whether to support the request

Role of the Board President and Agenda setting	
Rationale	<ul style="list-style-type: none"> The board has an obligation to set an example of good government in action for the community The board intends for meetings to proceed professionally, efficiently and effectively The board president sets the tone and shapes the public’s perception of the school board Each board member must have the opportunity to express his or her viewpoint during board deliberation
Protocol	<ul style="list-style-type: none"> The board president should meet with the superintendent at least once a month to develop the board meeting agenda Board members wishing to place topics on the board agenda will forward them to the board president for discussion with the superintendent at agenda setting meetings The board president facilitates the board meeting, supporting the effective flow of the discussion and encouraging input from all trustees while staying on task and moving forward. The board president will model the tone and manner the board wishes to convey to the community Following the board meeting, the board president with the superintendent will ensure there is appropriate follow-up and clarification of possible options for the board The board president serves as the primary spokesperson for the board

	<ul style="list-style-type: none"> • The board president position will be determined annually through a rotation process • Direction to the Superintendent/staff shall be at the request of the board, individual board members do not have the authority to direct superintendent/staff work • The board president shall have served at least two years as an OUSD Board Trustee and participate in CSBA Board President training prior to serving as board president
Visiting Schools and School Events	
Rationale	<ul style="list-style-type: none"> • The board wants to be informed about instructional practices, and the needs of the students and staff with regard to school programs. • Visiting schools provides the opportunity to show appreciation and recognize staff for their work. • Site visits are not meant to be evaluative in nature or disruptive to classroom instruction.
Protocol	<ul style="list-style-type: none"> • Board members will have access to the school calendars and are encouraged to visit schools and attend school events. • Site visits will be arranged through the Superintendent, who may accompany Board Members on their visits. • The principal or assistant principal will accompany trustees on classroom visits. • The superintendent will ensure that staff is aware of the process and protocols for trustees visiting the classrooms • It is understood that Board members share with the Superintendent, any concerns or issues brought up during a “Board Walk” • Zoom classroom session visitations by Board members will be arranged by the site principal

Communication	
Rationale	<ul style="list-style-type: none"> • The board wants to communicate a consistent message and common vision to the community
Protocol	<ul style="list-style-type: none"> • When contacted by the media, board members will refer the media to the board president, and/or the superintendent • The Superintendent is the spokesperson for the district and the Board President is the spokesperson for the board • If the press contacts the district office or superintendent, the board will be notified, as necessary • School board members should always conduct themselves online in a manner that reflects well of the school board and school district • Comments from the Board at a Board Meeting should be shared at the appropriate time (i.e. closed vs open session)

	<ul style="list-style-type: none"> • When speaking publicly or posting on social media, a board member shall clarify that he/she is speaking as an individual, and not as an official school board member • School board members shall refrain from deliberating board business online. The use of social media by board members to discuss board business among themselves is prohibited, including indicating approval such as a “like” • A school board member shall not post statements that make it appear that he/she has already formed an opinion on matters pending school board approval • In light of the sensitivity of many school board matters and the risk of inadvertent disclosure of confidential materials, school board members should limit the use of social media to sharing content already released to the public by the school district • Decisions on matters before the board shall be based on fact rather than supposition, opinion or public favor • Any communication, including social media posts that were used in the transaction of official business are subject to retention. Correspondence or posts about district business must be retained if the content goes beyond simply sharing existing district content (like a link to the district website) or routine correspondence (such as the date, time, and location of the next board meeting) • Response to written correspondence (including e-mail) shall be sent by the Board President or Superintendent on behalf of the Board • Requests to serve or opportunities to represent the Board of Trustees on committees, boards, or other additional duties serving in an official capacity shall be communicated to all eligible Board members by the Board President or their designee. The determination of who is selected/assigned shall be decided by the consensus of the Board in as equitable manner. Once selected, the Trustee shall represent the interests of the Board, not those of an individual
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Welcoming/Orienting New Board Members	
Rationale	<p><u>We believe:</u></p> <ul style="list-style-type: none"> • New board members should feel welcomed and have opportunities to get to know other members of the governance team • It is important to have opportunities to “heal any wounds” from the election process • New board members need educational support and training from the governance team and outside sources (i.e., CSBA Institute for New and First Term Board Members) • New board members need to learn about the district and understand the district’s vision, purpose and culture • New board members need to feel that they are part of our team and should participate in developing agreements about how we will work together

Welcoming/Orienting New Board Members	
Protocol	<p><u>We Agree that:</u></p> <ul style="list-style-type: none"> • Prior to the election an orientation will be held for all School Board Candidates. At this meeting the following information/items will be shared with potential new Board Members: <ul style="list-style-type: none"> ○ Information about the district ○ School governance and the role of the Board ○ The Orcutt Union SD Governance Handbook ○ CSBA Professional Governance Standards ○ The history and traditions of Orcutt Union SD • Board candidates will be informed about the dates of the CSBA Annual Conference – and hotel reservations and registration for the New Board Member Orientation and the Annual Conference will be arranged for all new board members • A veteran board member (s) and/or the Superintendent will attend the New Board Member Orientation with new board members • The board will select a “board mentor” to provide support for the new board member as s/he becomes familiar with governance team operations and the governance role and responsibilities. Mentors may be current or former board members • The superintendent will meet with each new board member individually to answer any questions and familiarize him/her with district operations • Each seated board member will arrange a time to have an informal meeting with each new board member as soon as possible after the election (i.e., coffee or lunch, etc.) • The whole governance team will participate in a District New Board Member Orientation and a CSBA “Good Beginnings” workshop following the installation of new members. The orientation will include but not be limited to discussions of: <ul style="list-style-type: none"> ○ District Vision, Mission and Goals ○ Key District Personnel ○ District Operations ○ Special District Projects or Programs ○ Current Issues Facing the District ○ Governance Team Operations <ul style="list-style-type: none"> ▪ Board Bylaws (9000 Series of the Policy Manual) ▪ Governance Handbook • New board members will be encouraged to attend the CSBA Brown Act Workshop, the Institute for New and First Term Board Members and/or the Masters in Governance program. The Board President and/or Superintendent will accompany new Board Members to various workshops

We have reviewed and agree to follow the aforementioned governance team norms and protocols in order to support a positive and productive working relationship among the Orcutt Union School District Board of Education, Superintendent, staff, students and the community. We shall renew this document annually.

Affirmed on this 9th day of August, 2023

Melanie Waffle, Trustee

Shaun Henderson, President

Liz Phillips, Trustee

Lisa Morinini, Clerk

Mark Steller, Trustee

Dr. Holly Edds, Superintendent



BUSINESS SERVICES MEMORANDUM

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

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Coast Community Energy (3CE) Letter of Intent for the Purchase of an Electric School Bus

BACKGROUND: The district has the opportunity to purchase an electric bus utilizing a Central Coast Community Energy (3CE) grant. This grant will provide funds in an amount not to exceed \$200,000 toward the purchase of an electric school bus. Due to the high cost of electric buses, we will combine this grant with the existing grant from the Clean Air Grant from The Santa Barbara County Air Pollution Control District.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the Letter of Intent with Central Coast Community Energy (3CE) for up to \$200,000 towards the purchase of an electric school bus.

FUNDING: General Fund – Fund 01



April 18, 2023

Tim Romine
Orcutt Union School District
500 Dyer Street
Santa Maria CA 93455

Re: 3CE Electric School Bus Program – Application Status

Dear Tim Romine,

Congratulations! Central Coast Community Energy (3CE) has approved your application for the Electric School Bus Program. This Letter of Intent (LOI) serves as confirmation that 3CE has reserved \$200,000 for Orcutt Union School District to purchase an all-electric school bus. This incentive is contingent upon securing necessary match funding to complete the bus purchase. The final incentive amount will be calculated upon final costs and will equal 75% of the cost of the bus, up to \$200,000.

Please read the following instructions regarding next steps to receive your electric school bus incentive.

1. Upon 90 days of receiving this LOI, Orcutt Union School District is responsible to submit a purchase order to the electric bus manufacturer of their choosing.
2. When Orcutt Union School District is notified by the electric bus manufacturer of completion of the electric school bus and preparation for delivery, please notify 3CE Staff.
3. If, according to the manufacturer, the electric school bus is not anticipated to be delivered within one year of the submitted purchase order, please notify 3CE staff immediately.
4. When payment is due, Orcutt Union School District must provide 3CE with a final invoice from the manufacturer/dealer. Additional documentation may be requested by 3CE.

Central Coast Community Energy

3Cenergy.org    

888.909.6227

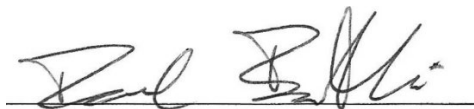
info@3Ce.org

5. At the discretion of the Orcutt Union School District, 3CE will issue payment directly to the Orcutt Union School District or the manufacturer/dealer on behalf of Orcutt Union School District within 30 days of receipt of all necessary documentation.
6. Please note, Electric Vehicle Supply Equipment (EVSE) should be installed and actively enrolled in 3CE electricity service prior to delivery of the electric bus to receive 3CE's award.
7. 3CE reserves the right to request additional information from Orcutt Union School District regarding the project at any time.
8. By accepting the 3CE's Electric School Bus Program incentive, Orcutt Union School District releases and discharges 3CE, its members, Directors, officers, employees, agents, or representatives from all claims, demands, and liabilities, including bodily injury claims arising out of or in connection with the Electric School Bus Program.

If amendable, 3CE would like the opportunity to discuss leveraging the incentivized electric school bus for future resiliency efforts.

Please contact 3CE Energy Programs Staff at programs@3ce.org for questions and/or updates.

Sincerely,



Dan Bertoldi, Manager of Energy Programs
Central Coast Community Energy

Central Coast Community Energy

3CEnergy.org    

888.909.6227

info@3Ce.org



BUSINESS SERVICES MEMORANDUM

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

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 9, 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	2008 Hoshizaki CF1A-FS Freezer, Serial #V50051D 27 1/4"x 33 1/2" D, no longer keeps temperature and unable to fix due to its age. This unit will be replaced at LKV.	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



SUPERINTENDENT'S MEMORANDUM

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

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Approval of the Third Amendment of Key Site 17 Long Term Ground Lease Agreement with TAIT & Associates Inc.

BACKGROUND: On December 11, 2019, the Board of Trustees approved the Long Term Ground Lease of Key Site 17 between the Orcutt Union School District and TAIT & Associates. On August 12, 2020, Orcutt Union School District and TAIT & Associates amended the Ground Lease and Development Agreement, First Amendment, to, in part, modify the commencement date of the "Construction Period" and establish a phased schedule for payments of the "Annual Rent". TAIT & Associates has experienced delays related to obtaining certain entitlements for sewer systems connections that qualify as a "Force Majeure" event under the Ground Lease and Development Agreement and entitles TAIT to an extension of the "Entitlement Phase" of the Project.

The Parties further amended the Ground Lease and Development Agreement, Second Amendment, to extend the "Entitlement Phase" of the Development as set forth in the Second Amendment and as a result of the difficult lending environment that has impacted development throughout the state, the Parties desire to amend the Ground Lease and Development Agreement to i) extend the commence date of the "Construction Period" and establish an extension fee therefore, and ii) provide for a further extension and related fee if necessary.

Per the Third Amendment, the Construction Period rent payments shall become due upon commencement of the Construction Period. For purposes of this Lease, the "Construction Period" shall commence upon the earlier occurrence of either the date June 30, 2025, or within twelve (12) months of the dated on which the Secured Overnight Financing Rate ("SOFR") fall below three percent (3%), subject to extension for force majeure delays as described hereinafter in the lease. If the SOFR doesn't fall below three percent (3%) by June 31, 2025, there is the option to extend the lease for additional time, subject to District approval.

The District is to receive an update on the status of financing every six (6) months. The District is to receive \$31,500 prior to August 1, 2024, as consideration for the third amendment to the lease.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the Third Amendment of Key Site 17 Long Term Ground Lease Agreement with TAIT & Associates Inc.

FUNDING: N/A

**THIRD AMENDMENT TO
GROUND LEASE AND DEVELOPMENT AGREEMENT
BY AND BETWEEN THE ORCUTT UNION SCHOOL DISTRICT
AND TAIT & ASSOCIATES, INC.**

THIS THIRD AMENDMENT TO GROUND LEASE AND DEVELOPMENT AGREEMENT (“Third Amendment”) is entered into as of this ____ day of _____, 2023, by and between the Orcutt Union School District, a California public school district (“District”) and Tait CP, LLC (“Lessee”). District and Lessee may be referred to herein individually as a “Party” or collectively as the “Parties.”

RECITALS

- A. **WHEREAS**, District and Lessee entered in a Ground Lease and Development Agreement dated December 4, 2019, for a long-term lease and development of a senior housing development (the “Development”) on approximately 9.53 acres of real property owned by District, commonly referred to as a portion of Key Site 17, in the Township of Orcutt, California in the County of Santa Barbara (“Ground Lease and Development Agreement”); and
- B. **WHEREAS**, the Parties previously amended the Ground Lease and Development Agreement (“First Amendment”) to, in part, modify the commencement date of the “Construction Period” and establish a phased schedule for the payment of the “Annual Rent” as set forth in the First Amendment; and
- C. **WHEREAS**, the Parties further amended the Ground Lease and Development Agreement (“Second Amendment”) to extend the “Entitlement Phase” of the Development as set forth in the Second Amendment; and
- D. **WHEREAS**, as a result of the difficult lending environment that has impacted development throughout the State, the Parties desire to amend the Ground Lease and Development Agreement to i) extend the commencement date of the “Construction Period” and establish an extension fee therefor, and ii) provide for a further extension and related fee, if necessary.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the Parties agree as follows:

TERMS OF AMENDMENT

- 1. Section 2.1 of the Ground Lease and Development Agreement shall be amended to read as follows:
 - 2.1 Ground Rent. The Construction Period rent payments shall become due and payable upon commencement of the Construction Period. For purposes of this Lease, the “Construction Period” shall commence upon the earlier occurrence of either June 30, 2025, or within twelve (12) months of the date on which the Secured Overnight Financing Rate (“SOFR”) falls below three percent (3%), subject to extension for force majeure delays as described hereinafter in this Lease.

2. Section 2.11 of the Ground Lease and Development Agreement shall be amended to read as follows:

2.11 Financing, Entitlement, and Construction Permit Process Updates. Lessee shall, every six months, provide District with updates on the status of Lessee’s efforts to secure financing for the Development and its efforts to obtain all necessary permits to start construction of the Development.

3. In consideration for extending the commencement date of the Construction Period as set forth herein, Lessee shall, no later than August 1, 2024, pay to District the sum of Thirty-One Thousand Five Hundred Dollars (\$31,500.00), which sum is equal to the first six (6) months of the ground rent as set forth in Exhibit “E” to the Ground Lease and Development Agreement.

4. Except as otherwise provided herein with respect to the commencement date of the Construction Period, nothing in this Third Amendment shall be construed to modify the date on which the Construction Period Ground Rent shall become due and payable as set forth in Section 2.1 or the amount of such Ground Rent as set forth in Section 2.2 of the Ground Lease and Development Agreement.

5. If the SOFR has not fallen below three percent (3%) by June 30, 2025, Lessee shall have the option, subject to District approval, to obtain an additional one and one-half (1½) year extension of the commencement of the Construction Period for an extension fee of Sixty-Three Thousand Dollars (\$63,000), which District approval shall not be unreasonably withheld.

6. Except as expressly set forth herein, all other terms of the Lease and Development Agreement shall remain in full force and effect.

7. This Third Amendment may be executed in counterparts, all of which together shall constitute one and the same document.

ACCEPTED AND AGREED on the date indicated below:

Dated: _____, 20__

Dated: _____, 20__

ORCUTT UNION SCHOOL DISTRICT

TAIT & ASSOCIATES, INC.

By: _____

By: _____

Print Name: _____

Print Name: _____

Print Title: _____

Print Title: _____



BUSINESS SERVICES MEMORANDUM

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

FROM: Sandra Knight
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Award of CUPPCCA Bid for Alice Shaw Shade Structure Pad Project

BACKGROUND: We recently installed shade structures at four of our elementary schools. This contract is for concrete to be poured under and around the shade structure at Alice Shaw. The contractor will be required to demolish the existing site wall, grade the pad area, and place a new tan colored concrete pad. The work will be completed prior to the first day of school.

The CUPPCCA bidding process allows us to enter into contracts with a simplified bidding process. JNE Concrete, Inc. was the low bidder for this project.

RECOMMENDATION: It is recommended that the Board of Trustees award the CUPPCCA bid to JNE Concrete Inc for \$83,636.00, as they were the lowest, responsive and responsible bidder.

FUNDING: COVID funds

**CONTRACT FOR
REPAIRS, MAINTENANCE OR CONSTRUCTION SERVICES AWARDED PURSUANT TO THE "INFORMAL BIDDING"
PROCEDURES OF THE PUBLIC CONTRACT CODE § 22000, ET SEQ.**

THIS CONTRACT is made and entered into this 13th day of June 2023 ("Contract"), by and between JNE Concrete Inc. ("Contractor") and Orcutt Union School District ("District"). Contractor and District may be referred to herein individually as a "Party" or collectively as the "Parties."

1. **Contract Price & Services.** After the District has issued a Notice to Proceed, the Contractor shall furnish to the District for a total price of Eighty-three Thousand, Six-Hundred and Thirty-Six Dollars (\$83,636.00) ("Contract Price"), the following repairs, maintenance or construction services ("Services" or "Work"):

for Alice Shaw Elementary School Shade Structure Concrete Pad Project as more fully described in the Bid Documents/Exhibit A

2. **Payment.** Payment for the Work shall be made in accordance with the Terms and Conditions attached hereto.

3. **Site.** Contractor shall perform the work at Alice Shaw Elementary School, 759 Dahlia Pl, Santa Maria, CA 93455 ("Premises" or "Site"). The Project is the scope of Work performed at the Site.

4. **Contract Time & Liquidated Damages.** ~~Work shall be completed on or before August 4, 2023. ("Contract Time") Contractor agrees that if the Work is not completed within the Contract Time and/or pursuant to the completion schedule, construction schedule, or project milestones developed pursuant to provisions of the Contract, it is understood, acknowledged, and agreed that the District will suffer damage which is not capable of being calculated. Pursuant to Government Code section 53069.85, Contractor shall pay to the District, as fixed and liquidated damages for these incalculable damages, the sum of FIVE HUNDRED DOLLARS (\$500.00) per day for each and every calendar day of delay beyond the Contract Time or beyond any completion schedule, construction schedule, or Project milestones established pursuant to the Contract. - DN/TCM~~

5. **Bonds & Insurance.**

a. **Payment Bond & Performance Bond (For Bids over \$25,000):** Contractor shall not commence the Work until it has provided to the District, a Payment (Labor and Material) Bond and a Performance Bond, in the forms attached hereto, each in an amount equivalent to one hundred percent (100%) of the Contract Price issued by a surety admitted to issue bonds in the State of California and otherwise acceptable to the District.

b. **Insurance:** Contractor shall have and maintain in force during the term of this Contract, with the minimum indicated limits, the following insurance:

Commercial General Liability , with Products and Completed Operations Coverage	\$2,000,000 per occurrence; \$4,000,000 aggregate
Automobile Liability, Any Auto , Combined Single Limit	\$2,000,000 per occurrence; \$4,000,000 aggregate
Workers Compensation	Statutory limits pursuant to State law
Employers' Liability	\$1,000,000
Builder's Risk (Course of Construction)	Issued for the value and scope of work.

Contractor shall provide to the District certificate(s) of insurance and endorsements satisfactory to the District. The policy(ies) shall not be amended or modified and the coverage amounts shall not be reduced without thirty (30) days written notice to the District prior to cancellation. Except for worker's compensation insurance, the District, the Architect, and the Project Manager shall be named as an additional insured on all policies. Contractor's policy(ies) shall be primary; any insurance carried by the District shall only be secondary and supplemental. Contractor shall not allow any subcontractor, employee, or agent to commence Work on this Contract or any subcontract until the insurance

required of Contractor, subcontractor, or agent has been obtained.

- 6. **Project Oversight.** Inspection and acceptance of the Work shall be performed by the District and/or the District's Representatives. The project manager on the Project is TELACU Construction Management ("Project Manager").
- 7. **Terms & Conditions.** The Contractor agrees to comply with the Terms and Conditions.
- 8. **Contract Documents.** The Contract Documents include only the following documents, as indicated:

X	Bid Form	✓	Drug-Free Workplace Certification
✓	Bid Bond	✓	Lead-Product(s) Certification
X	Notice to Proceed	X	Roofing Contract Financial Interest Certification
✓	Terms and Conditions to Contract	✓	Insurance Certificates and Endorsements
✓	Non-collusion Declaration	✓	Performance Bond (For Bids over \$25,000)
✓	Prevailing Wage Certification	✓	Payment Bond (For Bids over \$25,000)
✓	Workers' Compensation Certification	✓	Exhibit A ("Scope of Work")
✓	Criminal Background Investigation Certification	✓	Plans
✓	Asbestos & Other Hazardous Materials Certification	X	Work Specifications
✓	Tobacco-Free Certification	_____	_____ [Other]

- 9. **Notice.** Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or sent by overnight delivery service addressed as follows:

Orcutt Union School District
500 Dyer Street
Orcutt, CA 93455
Attn: Director of M.O.T.

Contractor: JNE Concrete Inc
960 w Grand Suite N
Grover Beach CA 93433
Attn: Norm Henderson

Any notice personally given shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service.

ACCEPTED AND AGREED on the date indicated below. By signing this Contract, Contractor certifies, under penalty of perjury, that all the information provided in the Contract Documents is true, complete, and correct:

Dated: _____, 20__

Dated: 7-10, 2023

Orcutt Union School District

JNE Concrete Inc Contractor

By: _____

By: N. J. Henderson

Print Name: _____

Print Name: Norm Henderson

Print Title: _____

Print Title: SECRETARY

Information regarding Contractor:

Type of Business Entity:

- Individual
- Sole Proprietorship
- Partnership
- Limited Partnership
- Corporation
- Limited Liability Company
- Other: _____

<p>Employer Identification and/or Social Security Number</p> <p>NOTE: United States Code, title 26, sections 6041 and 6109 require non-corporate recipients of \$600 or more to furnish their taxpayer identification number to the payer. The United States Code also provides that a penalty may be imposed for failure to furnish the taxpayer identification number. In order to comply with these rules, the District requires your federal tax identification number or Social Security number, whichever is applicable.</p>

PERFORMANCE BOND

PERFORMANCE BOND (100% of Contract Price)

(Note: Contractors must use this form, NOT a surety company form.)

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the governing board ("Board") of the **Orcutt Union School District** ("District") and **JNE Concrete Inc.** _____
_____, ("Principal") have entered into a contract for the furnishing of all materials and labor, services and transportation, necessary, convenient, and proper to perform the following project:

Alice Shaw Elementary School - Shade Structure Concrete Pad Project (Project Name)
("Project" or "Contract")

which Contract dated June 13, 2023, and all of the Contract Documents attached to or forming a part of the Contract, are hereby referred to and made a part hereof, and

WHEREAS, said Principal is required under the terms of the Contract to furnish a bond for the faithful performance of the Contract;

NOW, THEREFORE, the Principal and **The Ohio Casualty Insurance** ("Surety") are held and firmly bound unto the Board of the District in the penal sum of:

Eighty Three Thousand Six Hundred Thirty Six & 00/100 DOLLARS

(\$ 83,636.00), lawful money of the United States, for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally, firmly by these presents, to:

- Perform all the work required to complete the Project; and
- Pay to the District all damages the District incurs as a result of the Principal's failure to perform all the Work required to complete the Project.

The condition of the obligation is such that, if the above bounden Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, and agreements in the Contract and any alteration thereof made as therein provided, on his or its part to be kept and performed at the time and in the intent and meaning, including all contractual guarantees and warranties of materials and workmanship, and shall indemnify and save harmless the District, its trustees, officers and agents, as therein stipulated, then this obligation shall become null and void, otherwise it shall be and remain in full force and virtue.

As a condition precedent to the satisfactory completion of the Contract, the above obligation shall hold good for a period equal to the warranty and/or guarantee period of the Contract, during which time Surety's obligation shall continue if Contractor shall fail to make full, complete, and satisfactory repair, replace, and totally protect the District from loss or damage resulting from or caused by defective materials or faulty workmanship. The obligations of Surety hereunder shall continue so long as any obligation of Contractor remains. Nothing herein shall limit the District's rights or the Contractor's or Surety's obligations under the Contract, law or equity, including, but not limited to, California Code of Civil Procedure section 337.15.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the Contract Documents or to the Work.

PAYMENT BOND

EXECUTED IN DUPLICATE

BOND NO. 24263830

Premium included in charge for Performance Bond

PAYMENT BOND -- Contractor's Labor & Material Bond (100% of Contract Price)

(Note: Contractors must use this form, NOT a surety company form.)

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the governing board ("Board") of the **Orcutt Union School District** ("District") and **JNE Concrete Inc.** _____
_____, ("Principal") have entered into a contract for the furnishing of all materials and labor, services and transportation, necessary, convenient, and proper to

Alice Shaw Elementary School - Shade Structure Concrete Pad Project _____ (Project Name)
("Project" or "Contract")

which Contract dated **June 13**, 20**23**, and all of the Contract Documents attached to or forming a part of the Contract, are hereby referred to and made a part hereof, and

WHEREAS, pursuant to law and the Contract, the Principal is required, before entering upon the performance of the work, to file a good and sufficient bond with the body by which the Contract is awarded in an amount equal to 100 percent (100%) of the Contract price, to secure the claims to which reference is made in the Civil Code of California, including section 9100, and the Labor Code of California, including section 1741.

NOW, THEREFORE, the Principal and **The Ohio Casualty Insurance** _____ ("Surety") are held and firmly bound unto the Board of the District in the penal sum of:

Eighty Three Thousand Six Hundred Thirty Six & 00/100----- DOLLARS

(\$ 83,636.00-----), lawful money of the United States, being a sum not less than the total amount payable by the terms of Contract, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, or assigns, jointly and severally, by these presents.

The condition of this obligation is that if the Principal or any of his or its subcontractors, of the heirs, executors, administrators, successors, or assigns of any, all, or either of them shall fail to pay for any labor, materials, provisions, provender, or other supplies, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that the Surety will pay the same in an amount not exceeding the amount herein above set forth, and also in case suit is brought upon this bond, will pay a reasonable attorney's fee to be awarded and fixed by the Court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under sections 9000 through 9566 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void; otherwise it shall be and remain in full force and affect.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the Contract Documents or to the Work.



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 0420.41

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 0420.41 on charter school oversight. The policy is being revised to reference that the Governing Board may deny a request for an expansion that constitutes a material revision to a charter if the request to expand operations is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate or the district is not in a position to absorb the fiscal impact of the proposed charter school. The policy is also updated to include that the district may charge the charter school for the cost of supervisory oversight up to one percent of the charter school's revenue if the district provides the charter school with facilities and charges the charter school a pro-rata share of the associated expenses.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 0420.41 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

CHARTER SCHOOL OVERSIGHT

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

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

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

The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

Waivers

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

Provision of District Services

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

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

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may be only made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter

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schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to ~~establish or move~~ **expand** operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605, **47607**)

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

Pursuant to Education Code **47605**, the Board may deny a request to expand operations if it finds that the proposed expansion would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following:

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code **47605**, the Board may deny a request to expand charter school operations if it finds that the district is not positioned to absorb the fiscal impact of the proposed charter school expansion. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, or if the district has a negative interim certification pursuant to Education Code 42131, or is under state receivership.

Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries. (Education Code 47605.1)

Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including making all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

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

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue if the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school

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shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 45607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c). This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the superintendent of Public Instruction (SPI) with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687- 4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint

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with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

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

School Closure

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

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked or a charter school will cease operation for any reason. Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference

<i>State</i>	<i>Description</i>
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
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 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on website
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic

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athletic program	
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
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 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010	Minimum age of admission (first grade)
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49010	Pupil fees
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Definitions; directory information
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49428.5	Employment of medical personnelEd. Code 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49550-49564.5	Meals for needy students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation

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Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology device
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 56521.1-56521.2	Emergency Interventions
Ed. Code 60600-60648.5	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils
Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000 - 7930.170	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system
Federal	Description
20 USC 1681-1688 Title IX	of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.78	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
Management Resources	Description
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
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)
CA Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

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U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	California Department of Pesticide Regulation
Website	California State Controller
Website	California Student Aid Commission
Website	National Association of Charter School Authorizers
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	California Interscholastic Federation
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

State

5 CCR 11700-11705: Independent study

5 CCR 11960-11969.10: Charter schools

5 CCR 1600-1670: Uniform complaint procedures Bus. Code 7583.15 Training for security officers

CA Constitution Article 16, Section 8.5: Public finance; school accountability

report card CA Constitution Article 9, Section 5: Common school system

Corp. Code 5110-6910: Nonprofit public benefit corporations

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

education Ed. Code 17070.10-17079.30 Leroy F. Greene School Facilities Act

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 215: Suicide prevention policies

Ed. Code 215.5: Student identification cards; inclusion of safety

hotlines Ed. Code 220: Prohibition of discrimination

Ed. Code 221.61: Posting of Title IX information on web site Ed. Code 221.9: Sex equity in competitive athletics

Ed. Code 221.9 Sex Equity in competitive athletics

Ed. Code 222: Reasonable accommodations; lactating students

Ed. Code 222.5: Pregnant and parenting students; notification of

rights Ed. Code 231.5-231.6: Sexual harassment policy

Ed. Code 231.4: Mandated policy on bullying prevention

Ed. Code 231.6: Bullying and harassment prevention information

Ed. Code 231.7: Student protections relating to immigration and citizenship status

Ed. Code 32280-32289.5: School safety plans

Ed. Code 32283.5: Bullying; online training

Ed. Code 33479-33479.9: The Eric Parades Sudden Cardiac Arrest Prevention Act

Ed. Code 35179.4-35179.6: Interscholastic athletic programs; safety; swimming pool safety that is not part of interscholastic athletic program

Ed. Code 35183.1: Graduation ceremonies; tribal regalia or recognized object of religious/cultural

significance Ed. Code 35292.6: Stocking of menstrual products

Ed. Code 35330: Field trips and excursions;

student fees Ed. Code 38001.5: Training for

security officers

Ed. Code 38080-38086: School meals

Ed. Code 39831.3: Transportation safety plan

Ed. Code 39843: Disciplinary action against bus driver; report to Department of Motor

Vehicles Ed. Code 41021: Report of expenditure of state facility funds

Ed. Code 42100: Annual statement of receipts and expenditures

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Ed. Code 44030.5: Reporting change in employment status due to alleged misconduct Ed. Code 44237: Criminal record summary
Ed. Code 44258.9: Monitoring of teacher assignments
Ed. Code 44691: Information on detection of child abuse; annual training
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 45125.1: Criminal records summary; employees of contracting entity
Ed. Code 46015: Accommodations for pregnant and parenting students; parental leave Ed. Code 46390-46393: Emergency average daily attendance
Ed. Code 47600-47616.7: Charter Schools Act of 1992

Ed. Code 47634.2: Nonclassroom based instruction
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Ed. Code 48000: Minimum age of admission for kindergarten; transitional kindergarten Ed. Code 48010: Minimum age of admission (first grade)
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Ed. Code 48901.1: Suspension and expulsion; willful defiance
Ed. Code 48907: Exercise of free expression; time, place and manner rules and regulations Ed. Code 48913.5: Suspended students; homework assignments
Ed. Code 48950: Speech and other communication
Ed. Code 48985: Notices to parents in language other than English
Ed. Code 49005-49006.4: Seclusion and restraint
Ed. Code 49011: Student fees
Ed. Code 49014: Public School Fair Debt Collection Act Ed. Code 49061: Definitions, directory information
Ed. Code 49062.5: Student records, name or gender change Ed. Code 49070: Challenging student records
Ed. Code 49073.2: Privacy of student and parent/guardian personal information; minutes of board meeting Ed. Code 49076.7: Student records; data privacy; social security numbers
Ed. Code 49110: Authority to issue work permits Ed. Code 49381: Human trafficking prevention Ed. Code 49414: Epinephrine auto injectors
Ed. Code 49414.3: Administration of opioid antagonist Ed. Code 49428: Notification of mental health services
Ed. Code 49430-49434: The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9: Prohibition of advertisement of non-nutritious foods Ed. Code 49475: Health and safety; concussions and head injuries
Ed. Code 49501.5: Free breakfast and lunch to all students
Ed. Code 49557.5: Child Hunger Prevention and Fair Treatment Act of 2017 Ed. Code 49564: Meals for needy students
Ed. Code 49564.3: Provision of federal universal meal service Ed. Code 49700-49701: Education of children of military families Ed. Code 51224.7: Mathematics placement policy
Ed. Code 51225.1-51225.2: Exemption from local graduation requirements; acceptance of coursework Ed. Code 51225.3: High school graduation requirements
Ed. Code 51225.6: Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8: Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413: Diploma of graduation without passage of high school exit examination Ed. Code 51745-51749.6: Independent study
Ed. Code 51925-51929: Mandatory mental health education Ed. Code 51930-51939: California Healthy

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Youth Act

Ed. Code 52052: Accountability; numerically significant student subgroups Ed. Code 52060-52077: Local control and accountability plan

Ed. Code 52075: Uniform complaint procedures Ed. Code 56026: Special education

Ed. Code 56040.3: Availability of assistive technology device

Ed. Code 56145-56146: Special education services in charter schools Ed. Code 56365-56366.12: Nonpublic, nonsectarian schools

Ed. Code 60600-60648.5: Assessment of academic achievement

Ed. Code 64000: Categorical programs included in consolidated application

Ed. Code 64001: School plan for student achievement; consolidated application programs Ed. Code 65000-65001: School site councils

Ed. Code 69432.9-69432.92: Cal Grant program; notification of grade point average and high school graduation Gov. Code 1090-1099: Prohibitions applicable to specified officers

Gov. Code 3540-3549.3: Educational Employment Relations Act

Gov. Code 3555-3559: Public employee communication, information and orientation Gov. Code 54950-54963: The Ralph M. Brown Act

Gov. Code 6250-6270: California Public Records Act Gov. Code 81000-91014: Political Reform Act of 1974

H&S Code 104420: Tobacco Use Prevention Education grant program H&S Code 104559: Tobacco-free schools

Lab. Code 1198.5: Personnel records related to performance and grievance Lab. Code 3074.2: Notice of college and career fairs

Pen. Code 1192.7: Definition of serious

felony Pen. Code 667.5: Definition of violent felony Veh. Code 28160: Child safety alert system

Federal

20 USC 1681-1688: Title IX of the Education Amendments of 1972; discrimination based on sex 20 USC 6311: State plan

20 USC 7221-7221j: Charter schools 34 CFR 200.1-200.78:

Accountability

42 USC 11431-11435: McKinney-Vento Homeless Assistance Act

Management Resources

Attorney General Opinion: 104 Ops. Cal. Atty. Gen. 66 (2021)

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: 0 Ops. Cal. Atty. Gen. 52 (1997)

CA Department of Education Publication: California School Accounting Manual

CA Office of Administrative Hearings Decisions: Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

California Department of Education Publication Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020

California Dept. of Pesticide Reg. Publication: School District Integrated Pest Management Plan Template

California Interscholastic Federation Publication: Pursuing Victory with Honor, 1999

Court Decision: Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal. App. 4th

986 CA Department of Education Publication: California School Accounting Manual

CSBA Publication: Charter Schools: A Guide for Governance Teams, rev. 2016

CSBA Publication: Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

CSBA Publication: Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

U.S. DOE Guidance: Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Website: U.S. Department of Agriculture

Website: National Suicide Prevention Lifeline

Website: National Domestic Violence Hotline

Website: California State Teachers Retirement System

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Website: California Public Employees Retirement System
Website: California Department of General Services, Office of Administrative Hearings
Website: California Commission on Teacher Credentialing
Website: California Commission on Peace Officer Standards and Training
Website: California Bureau of Security and Investigative Services
Website: California State Controller
Website: California Department of Pesticide Regulation
Website: California Student Aid Commission
Website: National Association of Charter School Authorizers
Website: California Charter Schools Association
Website: California Department of Education, Charter Schools
Website: California Interscholastic Federation
Website: California Office of the Attorney General
Website: CSBA
Website: U.S. Department of Education

Policy Adopted: ~~10/12/22~~ 9/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Addition of Board Policy 5141.5

BACKGROUND: As per guidance from the California School Boards Association, we are adding Board Policy 5141.5 on student mental health. This new policy includes a broad statement about the importance of students' emotional wellness and mandates that the district develop and implement an integrated plan to support student mental health. It also requires that the district follow best practices that include the following:

- Employee training to address student behavioral and mental health, including recognition of early signs and symptoms of an emerging mental health condition or behavioral health disorder and strategies for safely deescalating crisis situations involving students with a behavioral health disorder;
- A protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness;
- Notification to students and parents/guardians at least twice per school year in how to access student mental health services on campus and/or in the community; and
- Display of a poster that shares resources about student mental health on each school site that serves students in any of grades 6-12 in accordance with a new law, AB 748 (2022)

RECOMMENDATION: Staff recommends that the Board of Trustees approve the new Board Policy 5141.5 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: A small expense will be incurred in association with the purchase and display of posters on all district campuses.

MENTAL HEALTH

The Governing Board recognizes that students' emotional well-being and mental health are critical to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to reduce the stigma associated with mental illness, facilitate access to mental health services, and help students build resiliency skills, including digital resilience, increase social connections, and cope with life challenges.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

The district shall provide instruction to students that promotes their healthy mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include, but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provide assistance.

Information and Training

The Superintendent or designee shall provide school staff with information and training to recognize the early signs and symptoms of an emerging mental health condition or behavioral health disorder, including common psychiatric conditions and substance use disorders such as opioid and alcohol abuse, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, safely deescalate crisis situations involving students with a behavioral health disorder, and link students with effective services, referrals, and supports. Such training shall also provide instruction on how to maintain student privacy and confidentiality. Behavioral health information and training may also be provided to parents/guardians, students, and families. (Education Code 49428.15)

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention team(s) to respond to mental health concerns in the school setting.

At least twice per school year, the Superintendent or designee shall ensure that each school provides notice regarding how to initiate access to student mental health services on campus and/or in the community. The notification shall be in at least two of the following methods: (Education

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Code 49428)

1. Distributing the information, electronically or in hardcopy, in a letter to parents/guardians, and in a school publication or other document to students
2. Including the information, at the beginning of the school year, in the parent handbook for parents/guardians and in student orientation materials or a student handbook
3. Posting the information on the school's website or social media

Parents/guardians and students shall each receive two notices on how to initiate access to student mental health services, which may be delivered by different methods. (Education Code 494280)

Each school site that serves students in any of grades 6-12 shall display an age appropriate and culturally relevant poster that identifies approaches and shares resources about student mental health, and that includes the following information: (Education Code 49428.5)

1. Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar episodes, and schizophrenic episodes
2. A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors
3. A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental health centers
4. A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy
5. A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating

The poster shall be displayed in English and any primary language spoken by 15 percent or more of the students at the school site and be no smaller than 8.5 by 11 inches and at least 12-point font. The poster shall be prominently and conspicuously displayed in public areas that are accessible to, and commonly frequented by, students at each school site such as bathrooms, locker rooms, classrooms, classroom hallways, gymnasiums, auditoriums, cafeterias, wellness centers, and offices. Additionally, at the beginning of each school year the poster shall be distributed online to students through social media, websites, portals, and learning platforms. (Education Code 49428.5)

Mental Health Counseling and Referrals

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual's credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

Mental health and behavioral health services for students on campus may be provided by way of telehealth technology. (Education Code 49429)

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

Funding Resources

The Superintendent or designee shall explore potential funding sources for district programs and services that support student's mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

Legal Reference:

State	Description
Ed. Code 215-216	Student suicide prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 32280-32289.5	School safety plans
Ed. Code 49060-49079	Student records
Ed. Code 49428.1	Student mental health referral protocols
Ed. Code 49428.15	Identification of evidence-based and evidence-informed training programs for schools to address youth behavioral health
Ed. Code 49428.5	Student mental health poster
Ed. Code 49600	Responsibilities of school counselors
Ed. Code 49602	Counseling and confidentiality of student information
Ed. Code 49604	Suicide prevention training for school counselors
Ed. Code 56171	Duty to identify and assess children in private schools who need special education services
Ed. Code 56300-56385	Identification and referral; assessment, instructional planning
W&I Code 5698	Emotionally disturbed youth; legislative intent
W&I Code 5840-5840.8	Prevention and early intervention programs
W&I Code 5850-5883	Mental Health Services Act
Federal	Description
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 794	Rehabilitation Act of 1973; Section 504

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34 CFR 300.1-300.818 Individuals with Disabilities Education Act

Management Resources

Description

California Department of Education Publication
California Department of Education Publication

Youth Behavioral Health Training Programs
Health Education Content Standards for California Public
Schools, Kindergarten Through Grade Twelve

California Department of Education Publication

Health Education Framework for California Public Schools,
Kindergarten Through Grade Twelve, May 2019

CDC and Prevention Publication

School Connectedness: Strategies for Increasing Protective
Factors Among Youth, 2009

Nat. Child Traumatic Stress Network Publication
US Department of Education Publication

Child Trauma Toolkit for Educators, 2008

Bipartisan Safer Communities Act Stronger Connections
Grant Program, Frequently Asked Questions, April 2023

US Department of Health and Human Services

Social Media and Youth Mental Health: The U.S. Surgeon
General’s Advisory, 2023

US Dept of Health and Human Services Publication

Our Epidemic of Loneliness and Isolation: The U.S. Surgeon
General’s Advisory on the Health Effects of Social
Connection and the Community, 2023

Website

CSBA District and County Office of Education Legal Services

Website

National Child Traumatic Stress Network

Website

National Council for Behavioral Health, Mental Health First
Aid

Website

Suicide Prevention Lifeline

Website

Suicide Prevention Resource Center

Website

Substance Abuse and Mental Health Services Administration

Website

American Association of Suicidology

Website

American Foundation for Suicide Prevention

Website

American Psychological Association

Website

California Department of Health Care Services, Mental Health
Services

Website

Centers for Disease Control and Prevention, Mental Health

Website

National Association of School Psychologists

Website

National Institute for Mental Health

Website

California Department of Education, Mental Health

Website

American School Counselor Association

Website

Office of the Surgeon General

Policy Adopted: 9/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Addition of Board Policy 5141.6

BACKGROUND: As per guidance from the California School Boards Association, we are adding Board Policy 5141.6 on school health services. The new policy includes a statement about the importance of physical and mental health and underscores the unique role of school districts to help students have access to necessary health care services. The policy details how school health services shall be coordinated with other student wellness initiatives. The policy also discusses how the district may bill public and private insurance programs, including Medi-Cal, for reimbursement of services as appropriate.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the new Board Policy 5141.6 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

SCHOOL HEALTH SERVICES

The Governing Board recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The Board further recognizes that schools are uniquely positioned to increase health equity and to help ensure that all students have access to necessary health care services. The district may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses, and may utilize telehealth as a delivery mechanism to increase access to health care services in schools.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on the results of this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the district, including preventative programming and intervention strategies to address students' physical, mental, and behavioral health needs.

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

The Board may prioritize school health services to schools serving students with the greatest need, including schools with medically underserved populations and/or a high percentage of low-income and uninsured children and youth.

School health services shall be provided under the supervision of a licensed health care professional. The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

If a school nurse is employed by the school or district, the nurse shall be involved in planning and implementing the school health services as appropriate.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, nutrition and physical fitness programs, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement outreach strategies to increase enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but are not limited to, providing

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information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law.

Consent and Confidentiality

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6930, Health and Safety Code 124260, or other applicable law.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

Payment/Reimbursement for Services

The Superintendent or designee may bill public and private insurance programs and other applicable programs for reimbursement of services as appropriate. Services may be provided free of charge or on a sliding scale in accordance with law.

The district shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but are not necessarily limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; measures of school climate; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

Legal Reference

State

17 CCR 2950-2951

17 CCR 6800-6874

22 CCR 51009

22 CCR 51050-51192

22 CCR 51200

22 CCR 51231.2

22 CCR 51270

22 CCR 51304

22 CCR 51309

22 CCR 51323

22 CCR 51351

Description

Hearing tests

Child Health and Disability Prevention program; health assessments

Confidentiality

Definitions of Medi-Cal providers and services

Requirements for providers

Wheelchair van requirements

Local educational agency provider; conditions for participation

Limitations on specified benefits

Psychology, physical therapy, occupational therapy, speech pathology, audiological services

Medical transportation services

Targeted case management services

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22 CCR 51360	Local educational agency; types of services
22 CCR 51491	Local educational agency eligibility for payment
22 CCR 51535.5	Reimbursement to local educational agency providers
Ed. Code 49073-49079	Privacy of student records
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 49557.2-49558	Eligibility for free and reduced-price meals; sharing information with Medi-Cal
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 95020	Individualized family service plan
H&S Code 104830-104865	School-based application of fluoride or other tooth decay-inhibiting agent
H&S Code 121020	HIV/AIDS testing and treatment; parental consent for minor under age 12
H&S Code 123110	Minor's right to access health records
H&S Code 123115	Limitation on parent/guardian access to minor's health records
H&S Code 123800-123995	California Children's Services Act
H&S Code 124025-124110	Child Health and Disability Prevention Program
H&S Code 124172-124174.6	Public School Health Center Support Program
H&S Code 124260	Mental health services; consent by minors age 12 and older
H&S Code 130300-130317	Health Insurance Portability and Accountability Act (HIPAA)
W&I Code 14059.5	Definition of "medically necessary"
W&I Code 14115	Medi-Cal claims process
W&I Code 14115.8	LEA Medi-Cal Billing Option; program guide
W&I Code 14124.90	Third-party health coverage
W&I Code 14132.06	Covered benefits; health services provided by local educational agencies
W&I Code 14132.47	Administrative claiming process and targeted case management
W&I Code 5961-5961.5	Children and Youth Behavioral Health Initiative Act
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
42 CFR 431.300	Use and disclosure of information on Medicaid applicants and recipients
42 USC 1320c-9	Prohibition against disclosure of records
42 USC 1397aa-1397mm	State Children's Health Insurance Program
45 CFR 164.500-164.534	Privacy of individually identifiable health information
Management Resources	Description
CA Department of Health Care Services Publication	LEA Medi-Cal Billing Option Program Provider Manual, November 2021
CA Dept of Health Care Services Publication	Policy and Procedure Letter No. 23-004, February 2023
CA Dept of Health Care Services	Publication Policy and Procedure Letter No. 21-017R, December 2021
CA Dept of Health Care Services	Publication California School-Based Medi-Cal Administrative Activities Manual
CA Health and Human Services Publication	Children and Youth Behavioral Health Initiative, 2021
CA School-Based Health Alliance Publication	Documenting the Link Between School-Based Health Centers and Academic Success, May 2014
CA School-Based Health Alliance Publication	How to Fund Health Services in Your School District, September 2014
California Department of Education Publication	Health Education Framework for California Public Schools, Kindergarten Through Grade Twelve, May 2019
National Center For Youth Law Publication	Confidential Medical Release: Frequently Asked Questions from Schools and Districts, November 2015

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US Dept of Health and Human Services Publication

Centers for Medicare & Medicaid Services Informational Bulletin, Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 2022

US Dept of Health and Human Services Publication

Information on School-Based Services in Medicaid: Funding, Documentation and Expanding Services, August 18, 2022

Website

California Department of Health and Human Services

Website

CSBA District and County Office of Education Legal Services

Website

CSBA, Practi-Cal Program

Website

California School-Based Health Alliance

Website

Center for Health and Health Care in Schools

Website

Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS) Study

Website

Centers for Medicare and Medicaid Services

Website

California County Superintendents Educational Services Association

Website

National Center for Youth Law

Website

California School Nurses Organization

Website

California Department of Education, Health Services and School Nursing

Website

California Department of Health Care Services

Website

California Department of Public Health

Website

CSBA

Policy Adopted: 9/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 5145.6

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 5145.6 on parental notifications to update legal references for the policy. The references now are aligned with Health Care Services Policy and Procedures Letters No. 21-017R and No. 23-004, which require school districts to develop a plan to meet alternative formatting requirements for individuals with disabilities to enable individuals with speech, vision, and hearing disabilities to effectively communicate and participate in the Medi-Cal Program.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 5145.6 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

PARENTAL NOTIFICATIONS

The ~~Board of Trustees~~ **Governing Board** desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent believes will promote parental understanding and involvement.

~~(cf. 5020—Parent Rights and Responsibilities) (cf. 5022—Student and Family Privacy Rights) (cf. 6020—Parent Involvement)~~

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided ~~either~~ by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

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Legal Reference:

State Description

17 CCR 2950-2951: Hearing tests
17 CCR 6000-6075: School attendance immunization requirements
22 CCR 101218.1: Child care licensing; parent/guardian rights
5 CCR 11303: Reclassification of English learners
5 CCR 11511.5: English language proficiency assessment; test results
5 CCR 11523: Notice of proficiency examinations
5 CCR 17782: Notice of Action; application for services
5 CCR 17783: Notice of Action; recipient of services
5 CCR 18066: Child care policies regarding excused and unexcused absences
5 CCR 18094-18095: Notice of Action; child care services
5 CCR 18114: Notice of delinquent fees; child care services
5 CCR 18118-18119: Notice of Action; child care services
5 CCR 3052: Behavioral intervention
5 CCR 4622: Uniform complaint procedures
5 CCR 4631: Uniform complaint procedures; notification of decision and right to appeal
5 CCR 4917: Notification of sexual harassment policy
5 CCR 852: Exemptions from state assessments
5 CCR 863: Reports of state assessment results
Civ. Code 1798.29: District records; breach of security
Ed. Code 17288: Building standards for university campuses
Ed. Code 17612: Notification of pesticide use
Ed. Code 221.5: Equal opportunity
Ed. Code 231.5: Sexual harassment policy
Ed. Code 234.1: Student protections relating to discrimination, harassment, intimidation, and bullying
Ed. Code 234.7: Student protections relating to immigration and citizenship status
Ed. Code 262.3: Appeals for discrimination complaints; information regarding availability of civil remedies
Ed. Code 310: Language acquisition programs
Ed. Code 313: Reclassification of English learners; parental consultation
Ed. Code 313.2: Long-term English learner; notification
Ed. Code 32221.5: Insurance for athletic team members
Ed. Code 32255-32255.6: Student's right to refrain from harmful or destructive use of animals
Ed. Code 32390: Voluntary program for fingerprinting students
Ed. Code 33479-33479.9: The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 33479.3: The Eric Paredes Sudden Cardiac Arrest Prevention Act
Ed. Code 35160.5: Extracurricular and cocurricular activities
Ed. Code 35178.4: Notice of accreditation status
Ed. Code 35182.5: Advertising in the classroom
Ed. Code 35183: School dress code; uniforms
Ed. Code 35186: Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35211: Driver training; district insurance, parent/guardian liability
Ed. Code 35256: School Accountability Report Card
Ed. Code 35258: School Accountability Report Card
Ed. Code 35291: Rules for student discipline
Ed. Code 35292.6: School maintenance
Ed. Code 37616: Consultation regarding year-round schedule
Ed. Code 39831.5: School bus rider rules and information
Ed. Code 440: English language proficiency assessment; instruction in English language development
Ed. Code 44050: Employee code of conduct; interaction with students
Ed. Code 44808.5: Permission to leave school grounds
Ed. Code 46010.1: Notice regarding excuse to obtain confidential medical services
Ed. Code 46014: Regulations regarding absences for religious purposes

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Ed. Code 46162: Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 46600-46611: Interdistrict attendance agreements
Ed. Code 48000: Minimum age of admission
Ed. Code 48070.5: Promotion and retention of students
Ed. Code 48204: Residency requirements
Ed. Code 48205: Absence for personal reasons
Ed. Code 48206.3: Students with temporary disabilities; individual instruction; definitions
Ed. Code 48207-48208: Students with temporary disabilities in hospitals
Ed. Code 48213: Prior notice of exclusion from attendance
Ed. Code 48216: Immunization and exclusion from attendance
Ed. Code 48260.5: Notice regarding truancy
Ed. Code 48262: Need for parent conference regarding truancy
Ed. Code 48263: Referral to school attendance review board or probation department
Ed. Code 48301: Interdistrict transfers
Ed. Code 48412: Certificate of proficiency
Ed. Code 48432.3: Voluntary enrollment in continuation education
Ed. Code 48432.5: Involuntary transfers of students
Ed. Code 48850-48859: Education of foster youth and homeless students
Ed. Code 48900.1: Parental attendance required after suspension
Ed. Code 48904: Liability of parent/guardian for willful student misconduct
Ed. Code 48904-48904.3: Withholding grades, diplomas, or transcripts
Ed. Code 48906: Notification of release of student to peace officer
Ed. Code 48911: Notification in case of suspension
Ed. Code 48911.1: Assignment to supervised suspension classroom
Ed. Code 48912: Closed sessions; consideration of suspension
Ed. Code 48915.1: Expelled students; enrollment in another district
Ed. Code 48916: Readmission procedures
Ed. Code 48918: Rules governing expulsion procedures
Ed. Code 48929: Transfer of student convicted of violent felony or misdemeanor
Ed. Code 48980: Parent/Guardian notifications
Ed. Code 48980.3: Notification of pesticide use
Ed. Code 48981: Time and means of notification
Ed. Code 48982: Parent signature acknowledging receipt of notice
Ed. Code 48983: Contents of notice
Ed. Code 48984: Activities prohibited unless notice given
Ed. Code 48985: Notices to parents in language other than English
Ed. Code 48986: Safe storage of firearms
Ed. Code 48987: Child abuse information
Ed. Code 49013: Use of uniform complaint procedures for complaints regarding student fees
Ed. Code 49063: Notification of parental rights
Ed. Code 49067: Student evaluation; student in danger of failing course
Ed. Code 49068: Transfer of permanent enrollment and scholarship record
Ed. Code 49069.7: Absolute right to access
Ed. Code 49070: Challenging content of student record
Ed. Code 49073: Release of directory information
Ed. Code 49073.6: Student records; social media
Ed. Code 49076: Access to student records
Ed. Code 49077: Access to information concerning a student in compliance with court order
Ed. Code 49392: Threats of homicide at school
Ed. Code 49403: Cooperation in control of communicable disease and immunizations
Ed. Code 49423: Administration of prescribed medication for student
Ed. Code 49451: Physical examinations: parent's refusal to consent
Ed. Code 49452.5: Screening for scoliosis

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Ed. Code 49452.6: Type 1 diabetes informational materials
Ed. Code 49452.7: Information on type 2 diabetes
Ed. Code 49452.8: Oral health assessment
Ed. Code 49455.5: Eye examination for purpose of eyeglasses
Ed. Code 49456: Results of vision or hearing test
Ed. Code 49471-49472: Insurance
Ed. Code 49475: Student athletes; concussions and head injuries
Ed. Code 49476: Student athletes; opioid fact sheet
Ed. Code 49480: Continuing medication regimen for nonepisodic conditions
Ed. Code 49510-49520: Duffy-Moscone Family Nutrition Education and Services Act of 1970
Ed. Code 49557.5: Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
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: Graduation from high school; exemption for eligible students with special needs
Ed. Code 51225.8: Completion and submission of FAFSA and CADAA
Ed. Code 51229: Course of study for grades 7-12
Ed. Code 51513: Personal beliefs; privacy
Ed. Code 51749.5: Independent study
Ed. Code 51938: HIV/AIDS and sexual health instruction
Ed. Code 52062: Local control and accountability plans and the statewide system of support
Ed. Code 52164: Language census
Ed. Code 52164.1: Census-taking methods; determination of primary language; assessment of language skills
Ed. Code 52164.3: Reassessment of English learners; notification of results
Ed. Code 54444.2: Migrant education programs; parent involvement
Ed. Code 56301: Child-find system; policies regarding written notification rights
Ed. Code 56321: Special education: proposed assessment plan
Ed. Code 56321.5-56321.6: Notice of parent rights pertaining to special education
Ed. Code 56329: Written notice of right to findings; independent assessment
Ed. Code 56341.1: Development of individualized education program; right to audio record meeting
Ed. Code 56341.5: Individualized education program team meetings
Ed. Code 56343.5: Individualized education program meetings
Ed. Code 56521.1: Behavioral intervention
Ed. Code 58501: Alternative schools; notice required prior to establishment
Ed. Code 60615: Exemption from state assessment
Ed. Code 60641: California Assessment of Student Performance and Progress
Ed. Code 69432.9: Submission of grade point average to Cal Grant program
Ed. Code 8212: Complaints related to preschool health and safety issues
Ed. Code 8483: Before/after school program; enrollment priorities
Ed. Code 8489: Expulsion and suspension procedures in childcare and development services programs
Ed. Code 8489.1: Expulsion and suspension procedures in childcare and development services programs
H&S Code 104420: Tobacco use prevention
H&S Code 104855: Availability of topical fluoride treatment
H&S Code 116277: Lead testing of potable water at schools and requirements to remedy
H&S Code 120365-120375: Immunizations
H&S Code 120440: Sharing immunization information
H&S Code 124100-124105: Health screening and immunizations
H&S Code 1596.8555: Administration of child day care licensing; posting license
H&S Code 1596.857: Right to enter child care facility
H&S Code 1597.16: Licensed child care centers; lead testing
Pen. Code 626.81: Notice of permission granted to sex offender to volunteer on campus
Pen. Code 627.5: Hearing request following denial or revocation of registration

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W&I Code 10228: Child care providers; posting of rates, discounts, and scholarships

Federal Description

20 USC 1232g: Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1232h: Privacy rights

20 USC 1415: Procedural safeguards

20 USC 6311: State plan

20 USC 6312: Local educational agency plan

20 USC 6318: Parent and family engagement

20 USC 7704: Impact Aid; policies and procedures related to children residing on Indian lands

20 USC 7908: Armed forces recruiter access to students

34 CFR 104.32: District responsibility to provide free appropriate public education

34 CFR 104.36: Procedural safeguards

34 CFR 104.8: Nondiscrimination

34 CFR 106.9: Severability

34 CFR 200.48: Teacher qualifications

34 CFR 222.94: Impact Aid; district responsibilities

34 CFR 300.300: Parent consent for special education evaluation

34 CFR 300.322: Parent participation in IEP team meetings

34 CFR 300.502: Independent educational evaluation of student with disability

34 CFR 300.503: Prior written notice regarding identification, evaluation, or placement of student with disability

34 CFR 300.504: Procedural safeguards notice for students with disabilities

34 CFR 300.508: Due process complaint

34 CFR 300.530: Discipline procedures

34 CFR 99.30: Disclosure of personally identifiable information

34 CFR 99.34: Student records; disclosure to other educational agencies

34 CFR 99.37: Disclosure of directory information

34 CFR 99.7: Student records; annual notification

40 CFR 763.84: Asbestos inspections, response actions and post-response actions

40 CFR 763.93: Asbestos management plans

42 USC 11431-11435: McKinney-Vento Homeless Assistance Act

42 USC 1758: Child nutrition programs

7 CFR 245.5: Eligibility criteria for free and reduced-price meals

7 CFR 245.6a: Verification of eligibility for free and reduced-price meals

Management Resources Description

U.S. Department of

Agriculture Publication Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

Website: CSBA District and County Office of Education Legal Services

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

Legal Reference:

~~EDUCATION CODE~~

~~221.5 Prohibited sex discrimination~~

~~231.5 Sexual harassment policy~~

~~234.7 Student protections relating to immigration and citizenship status~~

~~262.3 Appeals for discrimination complaints; information regarding availability of civil remedies~~

~~310 Language Acquisition programs~~

~~313 Reclassification of English learners, parental consultation~~

~~313.2 Long term English learner, notification~~

~~440 English language proficiency assessment; instruction in English language development 8483 Before/after school program; enrollment priorities~~

~~17288 Building standards for university campuses 17611.5-~~

Students

BP 5145.6 (f)

17612 Notification of pesticide use 32221.5 Insurance for athletic team members
32255 32255.6 Right to refuse harmful or destructive use of animals 32390 Fingerprint program; contracts; funding; consent of parent/guardian 33479.3 The Eric Parets Sudden Cardiac Arrest Prevention Act
35160.5 Extracurricular and cocurricular activities 35178.4 Notice of accreditation status
35182.5 Advertising in the classroom 35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities 35211 Driver training; district insurance, parent/guardian liability
35256 School accountability report card 35258 School accountability report card 35291 Rules for student discipline
37616 Consultation regarding year-round schedule 39831.5 School bus rider rules and information
44050 Employee codes of conduct, employee interactions with students 44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services 46014 Regulations regarding absences for religious purposes
46600 46611 Interdistrict attendance agreements 48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements 48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions 48207 48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance 48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to School Attendance Review Board or probation department 48301 Interdistrict transfers
48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education 48432.5 Involuntary transfers of students
48850 48859 Education of foster youth and homeless students 48900.1 Parental attendance required after suspension
48904 Liability of parent/guardian for willful student misconduct 48904.3 Withholding grades, diplomas, or transcripts
48906 Notification of release of student to peace officer 48911 Notification in case of suspension
48911.1 Assignment to supervised suspension classroom 48912 Closed sessions; consideration of suspension 48915.1 Expelled individuals: enrollment in another district 48916 Readmission procedures
48918 Rules governing expulsion procedures
48929 Transfer of student convicted of violent felony or misdemeanor 48980 Required notification at beginning of term
48980.3 Notification of pesticide use 48981 Time and means of notification
48982 Parent signature acknowledging receipt of notice 48983 Contents of notice
48984 Activities prohibited unless notice given

Students

BP 5145.6 (g)

48985 Notices to parents in language other than English 48987 Child abuse information
49013 Use of uniform complaint procedures for complaints regarding student fees 49063 Notification of parental rights
49067 Student evaluation; student in danger of failing course 49068 Transfer of permanent enrollment and scholarship record 49069 Absolute right to access
49070 Challenging content of student record 49073 Release of directory information 49073.6 Student records; social media
49076 Access to student records
49077 Access to information concerning a student in compliance with court order 49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student 49451 Physical examinations: parent's refusal to consent 49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes 49452.8 Oral health assessment
49456 Results of vision or hearing test 49471
49472 Insurance
49475 Student athletes; concussions and head injuries 49476 Student athletes; opioid fact sheet
49480 Continuing medication regimen for nonepisodic conditions
49510 49520 Duffy Moseone Family Nutrition Education and Services Act of 1970 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
51225.1 Exemption from district graduation requirements 51225.2 Course credits
51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 HIV/AIDS and sexual health instruction 52164
Language census
52164.1 Census taking methods; determination of primary language; assessment of language skills
52164.3 Reassessment of English learners; notification of results 54444.2 Migrant education programs; parent involvement
56301 Child find system; policies regarding written notification rights 56321 Special educations: proposed assessment plan
56321.5 56321.6 Notice of parent rights pertaining to special education 56329 Written notice of right to findings; independent assessment
56341.1 Development of individualized education program; right to audio record meeting 56341.5 Individualized education program team meetings
56343.5 Individualized education program meetings 56521.1
Behavioral intervention
58501 Alternative schools: notice required prior to establishment 60615
Exemption from state assessment
60641 California Assessment of Student Performance and Progress 69432.9
Submission of grade point average to Cal Grant program CIVIL CODE
1798.29 District records, breach of security HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
1597.16 Licensed child care centers, lead testing 104420
Tobacco use prevention
104855 Availability of topical fluoride treatment
116277 Lead testing of school drinking water 120365
120375 Immunizations

Students

BP 5145.6 (h)

120440 Sharing immunization information
124100-124105 Health screening and immunizations PENAL CODE
626.81 Notice of permission granted to sex offender to volunteer on campus
627.5 Hearing request following denial or revocation of registration CODE OF REGULATIONS, TITLE 5
852 Exemptions from state assessments 863 Reports of state assessment results 3052 Behavioral intervention
4622 Notification of uniform complaint procedures
4631 Uniform complaint procedures; notification of decision and right to appeal 4917 Notification of sexual harassment policy
11303 Reclassification of English learners
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 Child care policies regarding excused and unexcused absences 18094-18095 Notice of Action; child care services
18114 Notice of delinquent fees; child care services 18118-18119 Notice of Action; child care services CODE OF REGULATIONS, TITLE 17
2951 Hearing tests
6040 Time period to obtain needed immunizations UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act 1232h Privacy rights
1415 Procedural safeguards
6311 State plans
6312 Local education agency plans
6316 Academic assessment and local education agency school improvement 6318 Parent and family engagement
7704 Impact Aid; policies and procedures related to children residing on Indian lands 7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
1758 Child nutrition programs
11431-11435 McKinney-Vento Homeless Assistance Act CODE OF FEDERAL REGULATIONS, TITLE 7
245.5 Eligibility criteria for free and reduced-price meals
245.6a Verification of eligibility for free and reduced-price meals
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.30 Disclosure of personally identifiable information
99.34 Student records, disclosure to other educational agencies
99.37 Disclosure of directory information
104.32 District responsibility to provide free appropriate public education
104.36 Procedural safeguards
104.8 Nondiscrimination
106.8 Notification of contact information for Title IX coordinator
106.9 Dissemination of policy, nondiscrimination on basis of sex
200.48 Teacher qualifications
222.94 Impact Aid; district responsibilities
300.300 Parent consent for special education evaluation

Students

BP 5145.6 (i)

~~300.322 Parent participation in IEP team meetings~~

~~300.502 Independent educational evaluation of student with disability~~

~~300.503 Prior written notice regarding identification, evaluation, or placement of student with disability~~

~~300.504 Procedural safeguards notice for students with disabilities~~

~~300.508 Due process complaint~~

~~300.530 Discipline procedures~~

~~CODE OF FEDERAL REGULATIONS, TITLE 40~~

~~763.84 Asbestos inspections, response actions and post response actions~~

~~763.93 Asbestos management plans Management~~

~~Resources:~~

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

~~Civil Rights Compliance and Enforcement — Nutrition Programs and Services, FNS Instruction 113-1, 2005~~

~~WEB SITES~~

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

Policy Adopted: ~~11/4/2020~~ 9/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 5148

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 5148 on child care and development to do the following:

- Reflect a new law, AB 210 (2022), that specifies as one of the indicators for the implementation of quality child care and development programs that staff have the appropriate and required training, or any combination of qualifications, experience, or training;
- Delete material specific to COVID-19 and reflect a district's obligation to provide distance learning when a child care program is physically closed by local or state public health order; and
- Reference a new law, AB 2827 (2022), that requires the California Department of Social Services to revise its regulations to permit children with disabilities to use outdoor play spaces simultaneously with children who do not have disabilities without having to first seek a regulatory waiver.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 5148 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

CHILD CARE AND DEVELOPMENT

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

The Board shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

When a district child care program is physically closed by local or state public health order ~~due to the COVID-19 pandemic~~, the district shall provide distance learning when required to do so as a condition of funding or when required by law.

Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

Staffing

The Superintendent or designee shall ensure that individuals working in child care and

Students

BP 5148 (b)

development programs have the necessary qualifications and have satisfied all legal requirements.

Facilities

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611).

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

Legal Reference:

State Description

22 CCR 101151-101191: Licensing and application procedures

22 CCR 101151-101239.2: General requirement, licensed child care centers 22 CCR 101212-101231: Continuing requirements

22 CCR 101237-101239.2: Facilities and equipment

34 CFR 303.1-303.734: Early Intervention Program for Infants and Toddlers with Disabilities

5 CCR 18000-18434: Child care and development programs

5 CCR 18012-18122: General requirements

5 CCR 18180-18192: Federal and state migrant programs

5 CCR 18210-18213: Severely handicapped program

5 CCR 18220-18231: Alternative payment program

5 CCR 18240-18248: Resource and referral program

5 CCR 18270-18281: Program quality, accountability

5 CCR 18290-18292: Staffing ratios

Students

BP 5148 (c)

5 CCR 18295: Waiver of qualifications for site supervisor
5 CCR 18300-18308: Appeals and dispute resolution

~~5 CCR 4610-4687: Uniform complaint procedures~~

5 CCR 4600-4687: Uniform complaint procedures and Williams complaints

5 CCR 80067-80067.2: Early Childhood Education Specialist Credential

5 CCR 80105-80125: Commission on Teacher Credentialing, child care and development permits

Ed. Code 46120: Expanded Learning Opportunities Program

Ed. Code 49540-49546: Child care food program

Ed. Code 49570: National School Lunch program

Ed. Code 56244: Staff development funding

Ed. Code 8200-8340: California State Preschool Program

Ed. Code 8200-8340: California State Preschool Program

Ed. Code 8207: California State Preschool Program administration

Ed. Code 8337: Early Education Expansion Program

Ed. Code 8482-8484.65: After School Education and Safety Program

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

H&S Code 120325-120380: Immunization against communicable diseases

H&S Code 120440: Disclosure of immunization information to local and state health departments

H&S Code 1596.70-1596.895: California Child Day Care Act

H&S Code 1596.90-1597.21: Day care centers

W&I Code 10200-10206: Early Childhood Development Act of 2020

W&I Code 10207-10215: General provisions

W&I Code 10207-10492.2: Child Care and Development Services Act

W&I Code 10217-10224.5: Resource and referral programs

W&I Code 10225-10234 : Alternative payment programs

W&I Code 10235-10238 : Migrant child care and development programs

W&I Code 10240-10243 : General child care and development programs

W&I Code 10250-10252 : Family child care home education networks

W&I Code 10260-10263 : Child care and development services for children with special needs

W&I Code 10271: Eligibility, enrollment and priority of services; physical examinations; rules and regulations

W&I Code 10271.5: Income eligibility

W&I Code 10271.7: Family member certified as eligible to receive benefits; definition

W&I Code 10272.5: Order of disenrollment

W&I Code 10273: Preferred placement for otherwise eligible children ages 11 or 12

W&I Code 10276: Child Care and Development Fund notice to providers

W&I Code 10290: Fee schedule for families using preschool and child care and development services

W&I Code 10291: Families exempt from family fees

W&I Code 10315: Transfer of information to public schools

W&I Code 10332: Children residing in another district; use of facilities and personnel

W&I Code 10491-10491.1 : Expulsion and suspension procedures in childcare and development services programs

Federal Description

20 USC 1232g: Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482: Individuals with Disabilities Education Act

42 USC 1751-1769j: School Lunch Program

42 USC 9831-9852c: Head Start programs

42 USC 9857-9858r: Child Care and Development Block Grant

45 CFR 98.1-98.93: Child Care and Development Fund

7 CFR 210.1-210.33: National School Lunch Program

Management Resources Description

CA Commission on Teacher Credentialing Publication: Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023

CA Dept of Social Services Publication: Child Care Transition: The Early Childhood Development Act of 2020

CA Dept of Social Services Publication: American Rescue Plan Act Child Care & Development Division FAQ

CA Dept of Social Services Publication: COVID-19 Licensed Child Care Facilities and Providers (FAQs)

Students

BP 5148 (d)

Court Decision: CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

U.S. Department of Education Publication: Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016

Website: Osteopathic Medical Board of California

Website: Medical Board of California

Website: California Department of Social Services, Child Care Licensing

Website: EveryChild California, an Association of Leaders Advancing Early Learning

Website: Office of Administrative Law

Website: Universal Prekindergarten, California's Great Start

Website: CSBA District and County Office of Education Legal Services

Website: California Commission on Teacher Credentialing

Website: California Association for the Education of Young Children

Website: California Department of Education, Early Education Division

Website: California Department of Education, Early Education Management Bulletins

Website: California Head Start Association

Website: California School-Age Consortium

Website: National Association for the Education of Young Children

Website: U.S. Department of Health and Human Services

Website: Commission on Teacher Credentialing

Website: CSBA

Website: U.S. Department of Education

Website: California Department of Public Health

Ed. Code 8200-8209: General provisions for child care and development services Ed. Code 8200-8499.10: Child Care and Development Services Act

Ed. Code 8210-8216: Resource and referral program Ed. Code 8220-8226: Alternative payment program

Ed. Code 8230-8233: Migrant child care and development program Ed. Code 8235-8239: California state preschool program

Ed. Code 8240-8244: General child care programs

Ed. Code 8250-8252: Programs for children with special needs

Ed. Code 8263: Eligibility and priorities for subsidized child development services Ed. Code

8263.3: Disenrollment of families due to reduced funding levels

Ed. Code 8263.4: Enrollment of students ages 11-12 years Ed. Code 8273-8273.3: Fees

Ed. Code 8278.3: Child Care Facilities Revolving Fund Ed. Code 8360-8370: Personnel qualifications

Ed. Code 8400-8409: Contacts

Ed. Code 8482-8484.65: After School Education and Safety Program Ed. Code 8484.7-8484.8: 21st Century community learning centers

Ed. Code 8493-8498: Facilities

Ed. Code 8499-8499.7: Local planning councils

H&S Code 120325-120380: Immunization requirements H&S Code 1596.70-1596.895: California Child Day Care Act H&S Code 1596.90-1597.21: Day care centers

Federal

42 USC 1751-1769j: National School Lunch Program 42 USC 9831-9852: Head Start programs

42 USC 9858-9858q: Child care and development block grant 45 CFR 98.2-98.93: Child care and development fund

7 CFR 210.1-210.31: National School Lunch Program

Management Resources

California Department of Education Publication: Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010 California Department of Education Publication: Uniform Complaint Procedures, 2014

California Department of Education Publication: 12-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012

California Department of Education Publication: 14-03a Revised Child Care and Development Fee Schedule, Management Bulletin, September 2014

Students

BP 5148 (e)

~~Court Decision: CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892~~

~~Website: California Association for the Education of Young Children Website: California Child Development Administrators Association~~

~~Website: California Department of Education, Early Education and Support Division Website: California Department of Education, Early Education Management Bulletins Website: California Department of Social Services, Licensing Information~~

~~Website: California Head Start Association Website: California School Age Consortium~~

~~Website: National Association for the Education of Young Children Website: Commission on Teacher Credentialing~~

~~Website: CSBA~~

~~Website: U.S. Department of Education~~

Policy Adopted: ~~03/09/2022~~ 9/13/2023

Orcutt, California

ORCUTT UNION SCHOOL DISTRICT



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 6146.4

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 6146.4 on differential graduation and competency standards for students with disabilities to reflect a new law, AB 181 (2022) that (1) requires districts to exempt an eligible student with a disability from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements and award such student a high school diploma and (2) provides that any such exempted student is eligible to participate in any graduation ceremony and school activity in which a student of similar age without a disability would be eligible to participate.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 6146.4 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES (Charter High School, Grades 9-12)

The ~~Board of Trustees~~ **Governing Board** recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPE) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPE. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Exemption from District-Established Graduation Requirements

District students shall complete all course requirements for high school graduation as specified in Board Policy 6146.1 - High School Graduation Requirements. However, a student with a disability may be exempted from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements for high school graduation if the student's IEP provides for both of the following requirements: (Education Code 51225.31).

1. That the student take 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

Prior to the beginning of grade 10, the IEP team for each student with a disability shall determine whether the student is eligible for the exemption, and if so, notify the student's parent/guardian of the exemption. (Education Code 51225.31)

Any such exempted student shall receive a diploma and be eligible to participate in any graduation ceremony and school activity related to graduation in which a student of similar age without a disability would be eligible to participate. (Education Code 51225.31)

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with ~~disabilities~~ **a disability** may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP

Instruction

BP 6146.4 (b)

- 2. Satisfactorily met ~~his/her~~ **the student's** IEP goals and objectives during high school as determined by the IEP team
- 3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

A student with a disability who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

Legal Reference:

State Description

5 CCR 3070: Graduation

Ed. Code 51225.31: Graduation exemption for students with disabilities

Ed. Code 56341: Individualized education program team

Ed. Code 56345 : Individualized education program contents

Ed. Code 56390-56392: Recognition for educational achievement; special education

Federal Description

20 USC 1400-1482: Individuals with Disabilities Education Act

34 CFR 300.1-300.818: Individuals with Disabilities Education Act

34 CFR 300.320: Definition of IEP

Management Resources Description

Website: CSBA District and County Office of Education Legal Services

Website: U.S. Department of Education, Office of Special Education and Rehabilitative Services

Website: California Department of Education

EDUCATION CODE

56341 Individualized education program team 56345 Elements of the IEP

56390-56392 Certificate of completion, special education 60850-60859 High school exit examination

CODE OF REGULATIONS, TITLE 5

3070 Graduation

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.320 Definition of IEP

Management Resources:

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osers/index.html?src=mr>

Policy Adopted: ~~2/10/10~~ **9/13/2023**

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 6159.2

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 6159.2 on nonpublic, nonsectarian school and agency services for Special Education to reflect a December 2022 Davis Joint Unified School District Resolution Agreement with the U.S. Department of Education, Office for Civil Rights, regarding the use of seclusion and restraint as it relates to a free appropriate public education for students with disabilities placed in nonpublic schools.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 6159.2 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The ~~Board of Trustees~~ **Governing Board** recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

~~(cf. 0430—Comprehensive Local Plan for Special Education)~~

Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 5366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the district has a contract to ensure that the certification has not expired.

No district student shall be **referred to, or** placed in, an NPS/A unless the student's individualized education program (IEP) team has determined that **an appropriate public education alternative does not exist and that the placement** is appropriate for the student. (Education Code 56342.1)

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

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

~~(cf. 6159.1—Procedural Safeguards and Complaints for Special Education)~~

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

The Superintendent or designee shall ensure that any contract with an NPS/A contains a requirement for the NPS/A to comply with district policy, procedures, and practices related to student rights, health, and safety, including the use of seclusion and restraint. All NPS/A staff that serve district students shall be made aware of, and trained in such policies, procedures, and practices.

Instruction

BP 6159.2 (b)

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, and 56366.6. (Education Code 56366.2)

Legal Reference:

State Description

5CCR 3001: Definitions

5 CCR 3051-3051.24: Special education; standards for related services and staff qualifications

5 CCR 3060-3070: Nonpublic, nonsectarian school and agency services

Ed. Code 56034-56035: Definitions of nonpublic, nonsectarian school and agency

Ed. Code 56042: Placement not to be recommended by attorney or advocate with conflict of interest

Ed. Code 56101: Waivers

Ed. Code 56163

Certification

Ed. Code 56168

Responsibility for education of student in hospital or health facility school

Ed. Code 56195.8: Adoption of policies

Ed. Code 56342.1: Individualized education program; placement

Ed. Code 56360-56369: Implementation of special education

Ed. Code 56836.20-56836.21: Special education funding; SELPA contracts with nonpublic nonsectarian schools

Fam. Code 7911-7912: Interstate compact on placement of children

Gov. Code 7570-7587: Interagency responsibilities for providing services to children with disabilities

W&I Code 362.2: Out-of-home placement for IEP

W&I Code 727.1: Out-of-state placement of wards of court

Federal

Description

20 USC 1400-1487: Individuals with Disabilities Education Act

34 CFR 300.129-300.148: Children with disabilities in private schools

Management Resources

Court Decision: *Agostini v. Felton*, (1997) 521 U.S. 203, 117 S.Ct. 1997

US Dept of Ed Office for Civil Rights Settlement: Department of Education, Davis Joint Unified School District Resolution Agreement, OCR No. 09-19-5001, December 7, 2022

Website: CSBA District and County Office of Education Legal Services

Website: U.S. Department of Education, Office of Special Education and Rehabilitative Services

Website: California Department of Education

EDUCATION CODE

~~56034-56035 Definitions of nonpublic, nonsectarian school and agency~~

~~56042 Placement not to be recommended by attorney with conflict of interest~~

~~56101 Waivers~~

~~56163 Certification~~

~~56168 Responsibility for education of student in hospital or health facility school~~

~~56195.8 Adoption of policies~~

~~56342.1 Individualized education program; placement~~

~~56360-56369 Implementation of special education~~

~~56711 Computation of state aid~~

~~56740-56743 Apportionments and reports~~

~~56760 Annual budget plan; service proportions~~

~~56775.5 Reimbursement of assessment and identification costs~~

~~56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools~~

FAMILY CODE

~~7911-7912 Interstate compact on placement of children~~

GOVERNMENT CODE

Instruction

BP 6159.2 (c)

~~7570-7587 Interagency responsibilities for providing services to children with disabilities, especially:~~

~~7572.55 Seriously emotionally disturbed child; out-of-state placement~~

~~WELFARE AND INSTITUTIONS CODE~~

~~362.2 Out-of-home placement for IEP~~

~~727.1 Out-of-state placement of wards of court~~

~~CODE OF REGULATIONS, TITLE 5~~

~~3001 Definitions~~

~~3051-3051.24 Special education; standards for related services and staff qualifications~~

~~3061-3070 Nonpublic, nonsectarian school and agency services~~

~~UNITED STATES CODE, TITLE 20~~

~~1400-1487 Individuals with Disabilities Education Act~~

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~300.129-300.148 Children with disabilities in private schools~~

~~COURT DECISIONS~~

~~Agostino v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997~~

~~Management Resources:~~

~~WEB SITES~~

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

~~US Department of Education, Office of Special Education and Rehabilitative Services:~~

~~<http://www.ed.gov/about/offices/list/OSERS>~~

Policy Adopted: ~~11/4/20~~ 9/13/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Addition of Board Policy 6173.4

BACKGROUND: As per guidance from the California School Boards Association, we are adding Board Policy 6173.4 on education for American Indian students. The new policy addresses legal implications and best practices for the education of American Indian students and includes a philosophical statement that recognizes the unique cultural, language, and educational needs of these students. The policy provides for the involvement of a California Indian Education Task Force as encouraged by a new law, AB 1703 (2022). The policy includes requirements associated with federal Title VI funding for the education of children from federally recognized tribes, but it should be noted that the Orcutt Union School District does not receive this funding at this time.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the new Board Policy 6173.4 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: None.

EDUCATION FOR AMERICAN INDIAN STUDENTS

The Governing Board recognizes that American Indian students may have unique cultural, language, and educational needs that may be addressed by increasing student knowledge about American Indian history, including the history and culture of local tribes, and by providing American Indian students with access to education and other services necessary for such students to meet the same challenging academic standards as other students.

The Superintendent or designee shall provide all students with culturally relevant curriculum related to local American Indian tribes and implement strategies necessary for the improvement of the academic achievement of American Indian students.

In order to discuss, gain a shared understanding of, and develop curriculum for use within the district, and to identify the extent and nature of any achievement gaps between American Indian students and other district students, and strategies to address any such gaps, the district may form a California Indian Education Task Force with tribes local to the region. Participants in the task force meetings may consider issues of mutual concern, which include: (Education Code 33391)

1. Developing a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and developing such materials for use within the district that include tribal experiences and perspectives
2. Developing a shared understanding of proper or improper instructional materials when these materials use depictions of Native Americans
3. Encouraging the adoption of the curriculum developed by the California Indian Education Task Force
4. Identifying the extent and nature of any achievement gap between American Indian students and other students, and strategies necessary to close it

If formed, the California Indian Education Task Force shall, within one year and thereafter annually, submit a report to the California Department of Education on the findings, including progress of work on Items #1-4, above. (Education Code 33391)

The Superintendent or designee shall identify American Indian students most at-risk of not meeting state academic standards and provide to such students the needed support(s), including making referrals, as appropriate, for special education services or services under Section 504 of the federal Rehabilitation Act of 1973, or other school-based services such as counseling and health services, supplemental instruction, before- or after-school services, and summer learning programs.

Suspension, expulsion, assignment to a supervised suspension classroom, or involuntary transfer to a continuation school of an American Indian student shall be in accordance with law and as specified in Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities), and 6184 - Continuation Education.

Instruction

BP 6173.4 (b)

The Superintendent or designee shall provide programs to facilitate the successful transition of American Indian students to post-secondary education and employment, which may include college and career fairs in accordance with Labor Code 3074.2, mentorship programs, and counseling services.

As needed, the Superintendent or designee shall provide professional development to teachers and other school staff to assist them in understanding and responding to the unique needs of American Indian students.

At least annually, the Superintendent or designee shall report to the Board on the outcomes of American Indian students including, but not limited to, school attendance, student achievement test results, promotion and retention by grade level, graduation rates, and suspension/expulsion rates.

Title VI Indian Education Program

With the assistance of federal Title VI funding for the education of children from federally recognized tribes, the district shall offer programs and activities to meet the unique cultural, language, and educational needs of American Indian students, as defined in 20 USC 7491. Program objectives and outcomes shall be based on state academic standards. (20 USC 7424)

In developing, implementing, and evaluating Title VI programs and activities, the Superintendent or designee shall consult with and involve parents/guardians and family members of American Indian students and other community representatives. (20 USC 7424)

The district shall establish a committee that is composed of, and selected by, parents/guardians and family members of American Indian students, representatives of tribes on tribal lands located within 50 miles of any district school that serves any children of the tribes, teachers, and, if appropriate, American Indian students enrolled in secondary schools in the district. The majority of the committee shall be parents/guardians and family members of American Indian students. The committee shall participate in program development and provide written approval for the program. (20 USC 7424)

The district's Title VI program for American Indian education may include any of the following services and activities: (20 USC 7425)

1. Activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders
2. Culturally related activities that support the district's program
3. Early childhood and family programs that emphasize school readiness
4. Enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of state academic standards

Instruction

BP 6173.4 (c)

5. Integrated educational services in combination with other programs that meet the needs of American Indian students and their families, including programs that promote parent/guardian involvement in school activities and increase student achievement
6. Career preparation activities that enable American Indian students to participate in career technical education programs, including programs for mentoring and apprenticeship
7. Activities to educate individuals so as to prevent violence, suicide, and substance abuse
8. The acquisition of equipment that is essential to achieve program goals
9. Activities that promote the incorporation of culturally responsive teaching and learning strategies into the district's educational program
10. Family literacy services
11. Activities that recognize and support the unique cultural and educational needs of American Indian students, and incorporate appropriately qualified tribal elders and seniors
12. Dropout prevention strategies for American Indian students
13. Strategies to meet the educational needs of American Indian students in correctional facilities, including such strategies that support American Indian students who are transitioning from such facilities to schools served by the district

Any federal funds received to support American Indian education programs shall be used to supplement, not supplant, state or local funds allocated for such purposes. (20 USC 7424)

Program funds may be used to support a Title I schoolwide program pursuant to 20 USC 6314 if approved by the committee established pursuant to 20 USC 7424, provided that the schoolwide program is consistent with the purpose of American Indian education programs and the district's application identifies how the use of such funds in a schoolwide program will produce benefits to American Indian students that would not be achieved if not used in a schoolwide program. (20 USC 7424)

As needed, professional development shall be provided to teachers and other school staff to assist them in working with American Indian students and carrying out Title VI programs. (20 USC 7424)

The Superintendent or designee shall maintain a record of the information establishing the status of each student as an American Indian student eligible for assistance through the federal American Indian education program. (20 USC 7427)

The Superintendent or designee shall periodically assess the progress of all American Indian students, including American Indian students who do not participate in programs funded through Title VI, in meeting program goals and objectives. Assessment results shall be provided to the Board, the committee established pursuant to 20 USC 7424, tribes whose children are served by the district, and the community. (20 USC 7424)

Legal Reference:

State Description

Ed. Code 33380-33384: California Indian Education Centers

Instruction

BP 6173.4 (d)

Ed. Code 33390-33391: California Indian Education Act

Federal Description

2 CFR 200.0-200.521: Federal uniform grant guidance

20 USC 1400-1482: Individuals with Disabilities Education Act

20 USC 6314: Title I schoolwide program

20 USC 7401-7492: Indian education

20 USC 7701-7714: Impact Aid

29 USC 794: Rehabilitation Act of 1973; Section 504

34 CFR 222.90-222.129 Impact Aid; special provisions for local educational agencies that claim children residing on Indian lands

34 CFR 300.1-300.818: Individuals with Disabilities Education Act

Management Resources Description

Website: CSBA District and County Office of Education Legal Services

Website: U.S. Department of Education, Office of Impact Aid

Website: U.S. Department of Education, Office of Indian Education

Website: California Department of Education

Policy Adopted: 9/13/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



EDUCATIONAL SERVICES MEMORANDUM

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

FROM: Joe Dana
Assistant Superintendent, Educational Services

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Revision to Board Policy 6174

BACKGROUND: As per guidance from the California School Boards Association, we are updating Board Policy 6174 on education for English Learners to remove outdated language and reflect a new law, SB 941 (2022), that permits a district to enter into an instruction collaboration agreement with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, program disruptions or cancellations, or teacher shortages in STEM or dual immersion programs.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 6174 at this first reading and place it on the consent agenda of the next regular board meeting.

FUNDING: No impact.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The ~~Board of Trustees~~ **Governing Board** intends to provide English learners with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

~~(cf. 6011—Academic Standards)~~

~~(cf. 6141—Curriculum Development and Evaluation)~~

~~(cf. 6161.1—Selection and Evaluation of Instructional Materials) (cf. 6161.11—Supplementary Instructional Materials)~~

~~(cf. 6171—Title I Programs)~~

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history/social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

However, an English learner ~~may be denied participation in any such course if the student~~ **who** has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant students **may be denied participation in any such course, if** the course of study provided to the student is designed to remedy academic deficits incurred during participation and **reasonably calculated** to enable the student to attain parity of participation in the standard instructional program within a reasonable length of time after the student enters the school system.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "A-G" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

~~(cf. 0415—Equity)~~

~~(cf. 6141.4—International Baccalaureate Program)~~

~~(cf. 6141.5—Advanced Placement)~~

Instruction

BP 6174 (b)

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

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

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. **The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.**

~~(cf. 0420—School Plans/Site Councils)(cf. 1220—Citizen Advisory Committees)(cf. 6020—Parent Involvement)~~

Staff Qualifications and Training

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

~~(cf. 4112.22—Staff Teaching English Language Learners)~~

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

~~(cf. 4131—Staff Development)(cf. 4231—Staff Development)(cf. 4331—Staff Development)~~

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until ~~he/she~~ **the student** is reclassified based on criteria specified in the accompanying administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student

Instruction

BP 6174 (c)

Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR 853.5. ~~and 853.7.~~ English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, ~~853.7~~)

~~(cf. 6162.51—State Academic Achievement Tests)~~

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

~~(cf. 6162.5—Student Assessment)~~

Language Acquisition Programs

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306; 5 CCR 11309)

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

- 1. A dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding**
- 2. A transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards**

Instruction

BP 6174 (d)

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

~~(cf. 6151—Class Size)~~

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

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

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

Until July 1, 2029, the Superintendent or designee may, with Board approval, and as specified in BP 5117 - Interdistrict Attendance, enter into an instruction collaboration agreement (ICA) with another school district, county office of education, or charter school to offer the same or similar courses and coursework to students who have been impacted by teacher shortages, disruptions, or cancellations, or teacher shortages in dual language immersion programs. (Education Code 48345)

Reclassification

When an English learner is determined pursuant to state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

Instruction

BP 6174 (e)

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regards to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:

<i>State</i>	<i>Description</i>
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5 CCR 11300-11316:	English learner education
5 CCR 11510-11517.5:	California English Language Development Test
5 CCR 11517.6-11519.5:	English Language Proficiency Assessments for California
5 CCR 853:	Administration of CAASPP
5 CCR 854.9:	CAASPP and unlisted resources for students with disabilities
Ed. Code 200:	Prohibition of discrimination
Ed. Code 300-340:	English language education for immigrant children
Ed. Code 310:	Language acquisition programs
Ed. Code 313-313.5:	Assessment of English proficiency
Ed. Code 33050 :	Nonwaivable provisions
Ed. Code 42238.02:	Local Control Funding Formula
Ed. Code 430-446:	English Learner and Immigrant Pupil Federal Conformity Act
Ed. Code 44253.1-44253.1:	Qualifications of teachers of English learners
Ed. Code 48345:	Interdistrict instruction collaboration agreements
Ed. Code 48980:	Parent/Guardian notifications
Ed. Code 48985:	Notices to parents in language other than English
Ed. Code 52052:	Accountability; numerically significant student subgroups
Ed. Code 52060-52077:	Local control and accountability plan
Ed. Code 52160-52178:	Bilingual Bicultural Act of 1976

Instruction

BP 6174 (f)

Ed. Code 56305: CDE manual on English learners with disabilities
Ed. Code 60603: Definition; recently arrived English learner
Ed. Code 60640: California Assessment of Student Performance and Progress
Ed. Code 62002.5: Continuation of advisory committee after program sunsets

Federal Description

20 USC 1412: State eligibility
20 USC 1701-1721: Equal Educational Opportunities Act
20 USC 6311: State plan
20 USC 6312: Local educational agency plan
20 USC 6801-7014: Limited English proficient and immigrant students
20 USC 7801: Definition of English learner
34 CFR 100.3: Prohibition of discrimination on basis of race, color or national origin

EDUCATION CODE

300-340 English language education, especially:
305-310 Language acquisition programs
313-313.5 Assessment of English proficiency
430-446 English Learner and Immigrant Pupil Federal Conformity Act 33050 State Board of Education-waiver authority
42238.02-42238.03 Local control funding formula
44253.1-44253.11 Qualifications for teaching English learners 48980 Parental notifications
48985 Notices to parents in language other than English 52052 Numerically significant student subgroups 52060-52077 Local control and accountability plan 52160-52178 Bilingual Bicultural Act
56305 CDE manual on English learners with disabilities 60603 Definition, recently arrived English learner
60640 California Assessment of Student Performance and Progress 60811-60812 Assessment of language development
62005.5 Continuation of advisory committee after program sunsets CODE OF REGULATIONS, TITLE 5
854.1 854.3 CAASPP and universal tools, designated supports, and accommodations
854.9 CAASPP and unlisted resources for students with disabilities 11300-11316 English Language Learner Education
11517.6-11519.5 English Language Proficiency Assessments for California
UNITED STATES CODE, TITLE 20
1412 Individuals with Disabilities Education Act; state eligibility 1701-1705 Equal Educational Opportunities Act
6311 Title I state plan
6312 Title I Local education agency plans
6801-7014 Title III, Language instruction for English learners and immigrant students 7801 Definitions
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Discrimination prohibited
200.16 Assessment of English learners COURT DECISIONS
Valeria O. v. Davis, (2002) 307 F.3d 1036
California Teachers Association et al. v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al., (1989) 724 Scup. 698 ATTORNEY GENERAL OPINIONS
83 Ops. Cal. Atty. Gen. 40 (2000)

Management Resources:

CSBA PUBLICATIONS

English Learners in Focus: The English Learner Roadmap: Providing Direction for English Learner Success, Governance Brief, February 2018

English Learners in Focus, Issue 4: Expanding Bilingual Education in California after Proposition 58, Governance Brief, March 2017

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016

English Learners in Focus, Issue 3: Ensuring High Quality Staff for English Learners, Governance Brief, July 2016

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Practitioners' Guide for Educating English Learners with Disabilities, 2019 California English Learner Roadmap: Strengthening Comprehensive Educational Policies, Programs and Practices for English Learners, 2018 Matrix One: Universal Tools, Designated Supports, and Accommodations for the California Assessment of Student Performance and Progress for 2017-18, rev. August 2017 Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015 Next-Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, rev. March 2015

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014 Common Core State Standards for Mathematics, rev. 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

THE EDUCATION TRUST WEST PUBLICATIONS

Unlocking Learning II: Math as a Lever for English Learner Equity, March 2018 Unlocking Learning: Science as a Lever for English Learner Equity, January 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

Innovative Solutions for Including Recently Arrived English Learners in State Accountability Systems: A Guide for States, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org> California Department of Education: <http://www.cde.ca.gov/sp/el>

National Clearinghouse for English Language Acquisition: <http://www.neela.us> The Education Trust West: <http://west.edtrust.org>

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

Policy Adopted: ~~11/13/2019~~ 9/13/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Hiring of Stephanie Reyes on a Provisional Internship Permit for an Education Specialist Mild Support Needs (Resources) position at Joe Nightingale Elementary

BACKGROUND: Since May 2022, the District has had posted a Notice of Vacancy on the District website, at each school site, on EdJoin, and has sent emails to all staff advertising the need for Education Specialists with Mild to Moderate Support Needs or Extensive Support Needs. During the 2022-23 school year, the District had to hire a consultant teacher to complete staffing needs because we were not able to hire enough staff to fill our openings. The District anticipated the needs for the 2023-24 school year, planned accordingly, and hired five new Education Specialist to fill our needs. A late resignation in May has left the District short staffed and in need of one Education Specialist. With the continued shortage of teachers in the hard to fill areas of Special Education, the District finds itself in the position to hire a teacher utilizing the Provisional Intern Permit (PIP). The District has continued to advertise the position on EdJoin and has sent the Notice of Vacancy / Job Posting to local California Universities that offer credential programs for special education and requested the vacancy be posted at the University Career Center's job board. The District has only received one application for this position. Ms. Reyes has worked as an Instructional Assistant / Paraprofessional in special education for the last two years. She has completed a special education credential program at the University of Massachusetts Global with the exception of her student teaching and is in the process of completing her subject matter requirement through the CSET exams. Once the exams are complete, she be issued an Intern Credential and complete her student teaching requirement within the school year. Stephanie Reyes is an ideal candidate for the Provisional Internship Permit (PIP) with her experience and background in special education. She comes with strong recommendations from the teachers where she has supported students as an Instructional Assistant / Paraprofessional. She has met all the State requirements to obtain a PIP and has not yet completed all CSET exams for subject matter, but is in the process of completing the subtests in preparation of her preliminary credential.

RECOMMENDATION: It is recommended that the Board of Trustees approve the use of a Provisional Internship Permit (PIP) to hire Stephanie as a full-time education specialist (MMSN) – resource teacher with Joe Nightingale Elementary School for the 2023-24 school year.

FUNDING: N/A



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Cal Poly School of Education Supervised Field Experience and Student Teaching Agreement

BACKGROUND: Cal Poly University (School of Education) is requesting approval of a Teacher Candidate agreement for field experience and student teaching with the Orcutt Union School District for the School of Education for Single Subject, Multiple Subjects and Special Education credentialing programs.

RECOMMENDATION: It is recommended that the Board of Trustees approve the Cal Poly University Teacher Candidate agreement for field experience and student teaching for Multiple Subject, Single Subject and Special Education credentialing Programs with the Orcutt Union School District.

FUNDING: N/A



THIS AGREEMENT entered into by and between the State of California through the Trustees of The California State University on behalf of the State University, noted below, all of which are hereinafter called State University, and the School or School District, noted below, hereinafter called the School District:

WITNESSETH

WHEREAS, The School District is authorized to enter into agreements with the State University, to provide Field Experience and Student Teaching assignments to students enrolled in teacher and other educator preparation curricula of the State University; and

WHEREAS, any such agreement provides benefits to both parties in terms of the preparation of new, qualified teachers and other educators for California schools; and

WHEREAS, any such agreement will not provide for any payment for services rendered by the School District; and

WHEREAS, it has been determined between the parties hereto that State University will provide general liability insurance coverage on Teaching Candidates as outlined below;

NOW, THEREFORE, it is mutually agreed between the State University and the School District as follows:

SPECIAL PROVISIONS

The State University and the School District are as follows:

CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

and

Orcutt Union School District

The TERM of Agreement is from August 1, 2023 to July 31, 2025.

GENERAL TERMS

The District shall provide to State University students, Field Experiences and Student Teaching assignments in schools and classes of the District as set forth below. Such assignments shall be in schools or classes of the District, and under the direct supervision and instruction of employees of the District, as agreed upon by the District and the State University.

The matching of a Teacher Candidate to appropriate Field Experiences and Student Teaching assignments must be a collaborative process between the school district and the SOE program.

The District may, for good cause, refuse to accept for Field Experience or Student Teaching any student of the State University assigned in the District. Upon request of the District, the State University, with good cause, shall terminate the assignment of any student of the State University placed in the District. Good cause, as used herein, shall be determined by the District in its sole discretion, after conferring with the State University. Nothing in this Agreement shall be regarded as creating employment or employment rights for the involved students.

"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 qualified teaching personnel at the assigned school site.



“Field Assignments” as used herein and elsewhere in this agreement means observation and occasional participation in the duties and functions of classroom teaching, including special education; guidance counseling; administration; reading and literacy; and other curriculum and instruction under the direct supervision and instructions of employees of the District.

2. Patterns of Field Assignments and Student Teaching are outlined below:

Multiple Subject:

- **Clinical Experience I (4 units):**
The 4 unit assignment consists of two full days per week for 10-11 weeks (or equivalent, subject to change depending on needs of the program or district).
- **Clinical Experience II (8 units):**
The 8 unit assignment consists of three full days per week for 10-11 weeks (or equivalent, subject to change depending on needs of the program or district).
- **Clinical Experience III (12 units):**
The 12 unit assignment consists of a five-day, full-day, field assignment for 10-11 weeks.

Single Subject:

- **Clinical Experience I – Early Start/Practicum (4 units):**
The 4 unit assignment consists of approximately 15-20 hours per week, or equivalent, subject to change depending on needs of the program or district. Early Start begins when instruction commences at the school site and is typically 5 half days (3 hours) plus 5 additional hours to be determined by the CT and TC. Practicum begins when instruction commences at Cal Poly and is typically two full days per week.
- **Clinical Experience II (8 units):**
The 8 unit assignment consists of five half days per week for 10-11 weeks (or equivalent, subject to change depending on needs of the program or district).
- **Clinical Experience III (12 units):**
The 12 unit assignment consists of a five-day, full-day, field assignment for 10-11 weeks.

Special Education:

- **Field Experiences in Special Education (4 units):**
The 4-unit assignment consists of a blend of two full days per week at the Primary/Major Placement, and one full day per week at the Secondary/Minor placement (or equivalent, subject to change depending on needs of the program or district).
- **Special Education Student Teaching (8 units):**
The 8-unit assignment consists of five full days per week for 10-11 weeks.

Educational Leadership and Administration Placements:

- **Administrative Services Fieldwork (9 units):**
The 9-units will consist of three 10-11 week assignments. Assignments include supervised fieldwork in school administration for supervision at the elementary and secondary level and must involve some multicultural experience.

3. For Multiple Subject, Single Subject, Agriculture Education, and Special Education programs, the scope of Field Assignments and Student Teaching is significantly informed by the California Commission on Teacher Credentialing provisions outlined in the document **“Guidance on Clinical Practice and Supervision of Preliminary Multiple and Single Subject Teaching Candidates”** and by the **Cal Poly School of Education Clinical Practice Handbook**. By signing the Field



Assignment and Student Teaching Agreement, the District agrees to enable the Teacher Candidate to complete field experiences in line with state and program requirements, including:

- A minimum of 600 hours of supervised clinical experience in the field assignment setting, with at least 200 hours of “solo or co-teaching”.
- All experiences performed under the guidance and supervision of a Cooperating Teacher (unless approved and guided by the SOE, or as part of an established substitute teaching policy).
- Appropriate activities for field assignments and student teaching include: observations of classroom teaching (in classrooms selected or approved by the SOE); guided and supervised teaching of whole class, small groups, or other direct contact with students; co-planning time with the Cooperating Teacher for lessons that the candidate will deliver; working with Cooperating Teacher to grade, analyze student work, reflect on lessons, or plan for the needs of individual students; engaging with professional learning communities, grade level, and department meetings.
- Ineligible activities for field assignments and student teaching include: supervision of extracurricular activities.
- Required “solo or co-teaching” includes activities in which the Teacher Candidate is substantially involved in planning or co-planning lessons, delivering lessons, and assessing or grading student work. The Candidate is expected to fully participate within the school environment and experience and understand the full range of activities and responsibilities of being a teacher of record.
- Placements must provide the candidate with experiences that allow him or her to practice and acquire the knowledge and skills included in the Teacher Performance Expectations (TPEs).
- Placements must provide the candidate with experiences implementing curriculum that is aligned with California’s adopted content standards and frameworks.
- Placements must provide the candidate with significant exposure to school settings that reflect the full diversity of California public schools, including: robust support for students from a variety of language backgrounds; inclusiveness for students with disabilities; and (to the extent possible) socioeconomic and cultural diversity.
- Placements must be with a qualified Cooperating Teacher who holds a clear California teaching credential in the subject area being taught; has at least 3 years of experience; and possesses knowledge of the California Standards for the Teaching Profession, as well as current trends and best practices in education. The Cooperating Teacher must be available to participate in 10 hours of initial orientation to SOE programs, effective supervision, adult learning theory, and instructional practices.
- Placements must have a fully qualified site administrator who holds at least a preliminary administrative services credential.
- Placements must provide the candidate with support to complete required Clinical Practice Observations and the Teacher Performance Assessment (edTPA). This may include supporting the candidate in evidence gathering and video capture, and support for obtaining media releases and permissions.

4. A single assignment of a student of the State University to Field Experience or Student Teaching in schools or classes of the District shall be, at the discretion of the State, for approximately 10-11 weeks (18 weeks for Agriculture or designated programs). Student may be given more than one assignment by the State University in such schools or classes within the same District.

The assignment of a student of the State University to Student Teaching in the District shall be deemed to be effective for purposes of this agreement no later than the first date of each State University quarter, or secondary school semester for Agriculture or designated programs.

5. The signed Field Assignment and Student Teaching Agreement will be returned by the District to the State University no later than June 1 of the current year.



COVID-19 ACKNOWLEDGEMENT

The District is aware of and informed about the hazards currently known to be associated with the novel coronavirus referred to as "COVID-19". The District is familiar with and informed about the Centers for Disease Control and Prevention (CDC) current guidelines regarding COVID-19 as well as applicable federal, state and local governmental directives regarding COVID-19. The District, to the best of its knowledge and belief, is in compliance with those current CDC guidelines and applicable governmental directives. If the current CDC guidelines or applicable government directives are modified, changed or updated, the District will take steps to comply with the modified, changed or updated guidelines or directives. If at any time the District becomes aware that it is not in compliance with CDC guidelines or an applicable governmental directive, it will notify the State University of that fact.

LIABILITY INSURANCE & WORKERS' COMPENSATION

The State University shall take out and maintain a "claims-made" policy of general liability and professional liability insurance (including personal injury with limits not less than \$1 million per loss and damage to property of others up to \$5,000 per incident), with extended reporting period of three (3) years, covering Teaching Candidates, and naming School District as an additional named insured under such insurance policy or policies. Further, State University agrees to maintain professional and comprehensive general liability insurance, with no exclusion for molestation or abuse, at a minimum of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in aggregate throughout the course of this Agreement.

Further, State University shall provide written notice that should any of the above described policies be cancelled before the expiration thereof, notice will be delivered in accordance with the policy provisions. State University also agrees to maintain statutory Workers' Compensation coverage on Student Teachers, any individuals characterized as employees of State University and instructors working at School District pursuant to this Agreement at all times during the course of this Agreement.

State University shall provide certificates evidencing all coverage referred to in this Section within thirty (30) days of execution of this Agreement and thereafter, on an annual basis. If the coverage is on a claims-made basis, State University hereby agrees that not less than thirty (30) days prior to the effective date of termination of State University's current insurance coverage or termination of this Agreement, State University shall either purchase three (3) year tail coverage per claim or provide proof of continuous coverage in the above stated amounts for all claims arising out of incidents occurring prior to termination of State University's current coverage or prior to termination of this Agreement, as applicable, and provide District a certificate of insurance evidencing such coverage.

The State University is permissibly self-insured through the State of California for automobile liability and Workers Compensation insurance.

The School District shall be named as an additional insured or covered party on the liability coverages maintained by the State University set forth above, and such coverages shall be secondary to any coverages maintained by the School District. Limits of liability for each type of liability coverage shall be at least \$1 million per claim per occurrence/ \$2 million aggregate.



NO WORKERS' COMPENSATION LIABILITY

The Parties agree that the School District is not to assume, nor shall it assume by this Agreement any liability under the California Workers' Compensation Insurance and Safety Act for, by or on behalf of any Teaching Candidate or State University employees while they are on the premises of the School District or while performing any duty whatsoever under the terms of the Agreement or while going to or from any of the internship placement sites. State University shall provide written notice to each Teaching Candidate regarding the lack of coverage of Workers' Compensation insurance by the District.

INDEMNIFICATION

State University shall defend, indemnify and hold School District and its officials, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of University, its officials, agents, or employees.

School District shall defend, indemnify and hold University, its officials, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damage arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of School District, its officials, agents, or employees.

ADDITIONAL PROVISIONS

1. Nothing contained in this Agreement shall be deemed or construed to create a joint venture, partnership, principal-agent or employment relationship between the parties and neither party shall have the authority to bind the other party for any purpose.
2. This Agreement and the rights and obligations of the parties shall be governed and construed by the laws of the State of California. Any lawsuit concerning or arising out of this Agreement shall be venued in the county in which the School District is located.
3. This Agreement supersedes all prior and contemporaneous agreements and understandings between the parties, both oral and written, with respect to its subject matter and constitutes the complete agreement and understanding between the parties, unless modified in a writing executed by both parties.
4. In the event of a dispute between the parties arising from this Agreement, the parties agree the prevailing party shall be entitled to recovery from the losing party the prevailing party's reasonable expenses (fees and costs) incurred in the lawsuit or legal action as allowed by law.
5. If any provision of this Agreement is determined to be invalid or unenforceable, that provision shall be amended to achieve as nearly as possible the same effect as the original provision, and the remainder of this Agreement shall remain in full force and effect.
6. No delay or failure by either party to act in the event of a breach or default hereunder shall be construed as a waiver of that or any succeeding breach or a waiver of the provision itself.
7. This Agreement may be executed in any number of counterparts, each of which shall be an original as against any party whose signature appears and all of which together shall constitute one and the same instrument.
8. Notwithstanding any other provisions of this agreement, the State University shall not be obligated by this agreement to pay the District any amount for any other services rendered.

CAL POLY SCHOOL *of* EDUCATION

Field Experience and Student Teaching Agreement



CAL POLY

STATE OF CALIFORNIA

Trustees of the California State University

By _____

Dr. J. Kevin Taylor, Director
School of Education
College of Science and Mathematics

By _____

Ashley Sangster
Lead Procurement Specialist
Strategic Business Services Cal
Poly San Luis Obispo

By _____

Dr. Holly Edds
Superintendent
Orcutt Union School District



HUMAN RESOURCE MEMORANDUM

TO: Board of Trustees
Holly Edds, Ed.D

FROM: Susan Salucci
Assistant Superintendent, Human Resource

BOARD MEETING DATE: August 9, 2023

BOARD AGENDA ITEM: Board Policy 4140 Bargaining Units

BACKGROUND: Board Policy 4140 was updated to align the definition of "management employee" with code language and to reference New Law (SB 931, 2022) which provides that any district found by the Public Employment Relations Board to be in violation of the prohibition against deterring or discouraging district employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization, may be subject to civil penalties of \$1,000 for each affected employee, up to a maximum of \$100,000 in total, and may be ordered to pay attorney's fees and costs to the employee organization. The policy was also updated to specify that the Superintendent or designee may communicate with district employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization, add applicable number of days for compulsory interest arbitration related to access to new employee orientation, expand the material regarding district requirements for new employee orientations that are applicable until June 30, 2025.

RECOMMENDATION: Staff recommends that the Board of Trustees approve the revised Board Policy 4140 Bargaining Units, for the first reading and that it be placed on the next Consent Agenda for the second reading.

FUNDING: None

Personnel

BARGAINING UNITS

The Governing Board recognizes the right of district employees to form bargaining units, select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment. (Government Code 3540.1)

Employees serving in a management, senior management, or confidential position shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

1. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against

employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right **under the law**, ~~to join or support an employee organization or to refrain from joining or supporting an employee organization,~~ such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication provided that, at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to Employee Orientations and Contact Information

The district shall permit employee organizations access to new employee orientations or **onboarding process** where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, ~~However, in any specific instance where an~~ **except that a shorter notice may be provided if an** unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice., ~~a shorter notice may be provided.~~ (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to the access to new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of the orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting, **during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.**

~~Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.~~

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. **If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.**

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, **unless the exclusive representative has agreed to a different interval for the provision of the information.** In addition, the Superintendent or designee shall provide the same information in regard to all employees in the bargaining unit to an exclusive representative at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose: **(Government Code 3558, 6207, 6215, 6215.2, 7928.300)**

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. ~~nor shall he/she disclose~~ The home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government

Code 6207 or any employee who provides written request that the information not be disclosed for this purpose. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

~~At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.~~

Communication with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use designated bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

State

8 CCR 33015-33490: Recognition of exclusive representative; proceedings

8 CCR 33700-33710: Severance of established unit

~~8 CCR 34020: Petition to rescind organizational security arrangement~~

~~8 CCR 34055: Reinstatement of organizational security arrangement~~

Ed. Code 45060-45061.5: Deduction of fees from salary or wage payment; certificated employees

Ed. Code 45100.5: Senior classified management positions

Ed. Code 45104.5: Abolishment of senior classified management positions

Ed. Code 45108.5: Definition of senior classified management employees

Ed. Code 45108.7: Waiver of provisions of 45108.5

Ed. Code 45168: Deduction of fees from salary or wage payment; classified employees

Ed. Code 45220-45320: Merit system; classified employees

Gov. Code 3540-3549.3: Educational Employment Relations Act

Gov. Code 3540.1: Public employment; definitions

Gov. Code 3543.4: Management position; representation

Gov. Code 3545: Appropriateness of unit; basis

Gov. Code 3550-3552: Prohibition on public employers deterring or discouraging union membership

Gov. Code 3555-3559: Public employee communication, information and orientation

Gov. Code 53260-53264: Employment contracts

Gov. Code 6205-6210: Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

Gov. Code 6215-6216: Address confidentiality for individuals who face threats or violence because of work for a public entity

~~Gov. Code 6254.3: Disclosure of employee contact information to employee organization~~

Gov. Code 6503.5: Joint powers agencies

Gov. Code 7928.300: Personal information of agency employee

Federal

~~8 CFR 33015-33490: Recognition of exclusive representative; proceedings~~

~~8 CFR 33700-33710: Severance of established unit~~

~~8 CFR 34020: Petition to rescind organizational security arrangement~~

~~8 CFR 34055: Reinstatement of organizational security arrangement~~

Management Resources

Court Decision: County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905

Court Decision: Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083

Court Decision: Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448

Public Employment Relations Board Ruling: East Whittier School District, (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling: City of Sacramento, (2019) PERB Dec. No. 2702m

Website: CSBA District and County Office of Education Legal Services

Website: California Federation of Teachers

Website: California Public Employment Relations Board

Website: California School Employees Association

Website: California Teachers Association

Website: Association of California School Administrators

Website: CSBA

Policy Adopted: ~~12/14/22~~ 9/13/23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California