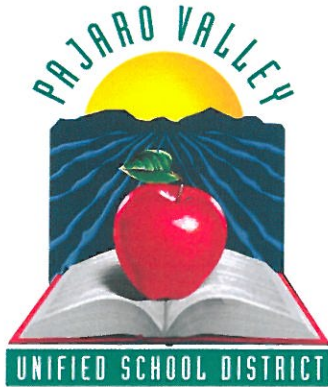


PAJARO VALLEY UNIFIED SCHOOL DISTRICT MISSION STATEMENT

The Mission of the Pajaro Valley Unified School District is to educate and to support learners in reaching their highest potential. We prepare students to pursue successful futures and to make positive contributions to the community and global society.



February 11, 2015 REGULAR BOARD MEETING

CLOSED SESSION – 6:00 p.m. – 7:00 p.m.

PUBLIC SESSION – 7:00 p.m.

**DISTRICT OFFICE
Boardroom
292 Green Valley Road, Watsonville, CA 95076**

NOTICE TO THE PUBLIC: PURSUANT TO SB 343, BOARD PACKET DOCUMENTS ARE AVAILABLE FOR YOUR REVIEW AT THE FOLLOWING LOCATIONS:

- Superintendent's Office: 294 Green Valley Road, Watsonville, CA (4th Floor)
- On our Webpage: www.pvusd.net

Notice to the Audience on Public Comment

Members of the audience are welcome to address the Board on all items not listed on this agenda. Such comments are welcome at the "Visitor Non-Agenda Items".

Members of the audience will also have the opportunity to address the Board during the Board's consideration of each item on the agenda.

Individual speakers will be allowed three minutes (unless otherwise announced by the Board President) to address the Board on each agenda item. **You must submit this card prior to the discussion of the agenda item you wish to speak to; once an item has begun, cards will not be accepted for that item.** For the record, please state your name at the beginning of your statement. The Board shall limit the total time for public input on each agenda item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

Las Solicitudes de Traducción:

Traducción del inglés al español está disponibles en las sesiones de la mesa directiva. Por favor obtenga su equipo al entrar a la junta.

We ask that you please turn off your cell phones and pagers when you are in the boardroom.

Please Note that Reporting out of Closed Session will Take Place AFTER Action Items.

1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 6:00 P.M.

1.1 Call to Order

1.2 Public comments on closed session agenda.

2.0 CLOSED SESSION (AND AFTER REGULAR SESSION IF NECESSARY)

- 2.1 Public Employee Appointment/Employment, Government Code Section 54957
 - a. Certificated Employees (see Attached)
 - b. Classified Employees (see attached)
- 2.2 Public Employee Discipline/Dismissal/Release/Leaves
- 2.3 Negotiations Update
 - a. CSEA
 - b. PVFT
 - c. Unrepresented Units: Management and Confidential
 - d. Substitutes – Communication Workers of America (CWA)
- 2.4 Claims for Damages
- 2.5 Pending Litigation
- 2.6 Anticipated Litigation
 - a. Clean Water Act Complaint against District's Transportation Yard
- 2.7 Real Property Negotiations
- 2.8 3 Expulsions

3.0 OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC - 7:00 P.M.

- 3.1 Pledge of Allegiance
- 3.2 Welcome by Board President
Trustees Kim De Serpa, Leslie DeRose, Maria Orozco, Karen Osmundson, Lupe Rivas, Willie Yahiro and President Jeff Ursino.
- 3.3 Superintendent Comments
- 3.4 Governing Board Comments/Reports Standing Committee Meetings (*1 minute per trustee*)
- 3.5 Jacob Young Financial Services: Classified Employee of the Month Award, February 2015
- *George Garcia, Watsonville High School, Lead Custodian*

4.0 APPROVAL OF THE AGENDA

5.0 APPROVAL OF MINUTES

a) Minutes of January 21, 2015

6.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT

5 min. per school

7.0 VISITOR NON-AGENDA ITEMS

Public comments on items that are not on the agenda can be addressed at this time. The Board President will recognize any member of the audience wishing to speak to an item not on the agenda on a matter directly related to school business. The President may allot time to those wishing to speak, but no action will be taken on matters presented (Ed. Code Section 36146.6). If appropriate, the President or any Member of the Board may direct that a matter be referred to the Superintendent's Office for placement on a future agenda. (Please complete a card if you wish to speak.)

8.0 EMPLOYEE ORGANIZATIONS COMMENTS – PVFT, CSEA, PVAM, CWA

5 min. each

9.0 CONSENT AGENDA

Information concerning the Consent items listed above has been forwarded to each Board Member prior to this meeting for his/her study. Unless some Board Member or member of the audience has a question about a particular item(s) and asks that it be withdrawn from the Consent list, the item(s) will be approved at one time by the Board of Trustees. The action taken in approving Consent items is set forth in the explanation of the individual item(s).

- 9.1 Purchase Orders January 15 – February 4, 2015
The PO's will be available in the Superintendent's Office.
- 9.2 Warrants January 15 – February 4, 2015
The warrants will be available in the Superintendent's Office.
- 9.3 Approve Award of Bid #BT_15_01_39_099_8603 to B & H Foto & Electronics Corporation for 70" consumer grade LED Televisions.
- 9.4 Approve CAHSEE Passage Waiver for Student #14-15-05, Pajaro Valley High School, Mathematics.
- 9.5 Approve Five Students from Pajaro Valley High School for Travel to Spain in April 2015.
- 9.6 Approve Biological Consulting Services Firms for Pajaro Valley High School Environmental Sensitive Habitat Areas Restoration Plan.
- 9.7 Approve Declaration of Obsolete and/or Surplus Furniture, Textbooks and Equipment.
- 9.8 Approve Permission of Relocation of Uncertified Portable from Watsonville High School to Aptos Jr. High School.

The administration recommends approval of the Consent Agenda.

10.0 DEFERRED CONSENT ITEMS

11.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS

- 11.1 Report, discussion and possible action to approve the Instructional Calendar for the 2015-16 School Year. Second and Final Reading.
Report by Sharon Roddick, Assistant Superintendent, HR *1 min. report; 5 min. discussion*
- 11.2 Report, discussion and possible action to approve a Budget Augmentation to Pajaro Valley Prevention and Student Assistance, Inc.
Report by Brett McFadden, CBO *5 min. report; 5 min. discussion*
- 11.3 Report, discussion and possible action to approve the following updates and additions to Board Policies(BP), Regulations (AR), Exhibits (E), and Board Bylaws (BB):
Report by Dorma Baker, Superintendent *2 min. report; 5 min discussion*
 - 0440 BP/AR, District Technology Plan
 - 0450 BP/AR, Comprehensive Safety Plan
 - 1020 BP, Youth Services
 - 1113 – District and School Web Sites
 - 1330 BP/AR- Use of School Facilities
 - 4112.21 BP/AR – Interns
 - 4112.22 AR, Staff Teaching English Language Learners

- 4112.23 AR, Special Education Staff
- 4112.24 BP/AR/E, Teacher Qualifications Under the No Child Left Behind
- 4112.3, 4212.3, 4312.3 AR, Oath or Affirmation
- 4112.4, 4212.4, 4312.4 AR, Health Examinations
- 4112.41, 4212.41, 4312.41 BP/AR, Employee Drug Testing
- 4112.42, 4212.42, 4312.42 BP/AR, Drug and Alcohol Testing for Bus Drivers
- 6161.1 AR, Selection and Evaluation of Instructional Materials

12.0 REPORT AND DISCUSSION ITEMS

12.1 Report and discussion on Measure L Report.

Report by Brett McFadden, CBO.

20 min. report; 10 min. discussion

13.0 ACTION ON CLOSED SESSION

14.0 UPCOMING BOARD MEETINGS/REMAINING BOARD MEETINGS FOR 2014

All meetings, unless otherwise noted, take place at the District Office Boardroom, 292 Green Valley Road, Watsonville, CA. Closed Session begins at 6:00 pm; Open Session begins at 7:00 pm.

		Comment
February	▪ 25	
March	▪ 11 ▪ 18 ▪ 25	▪ Approve 2 nd Interim Report ▪ MSHS Training – Special Mtg.
April	▪ 15 ▪ 29	
May	▪ 13 ▪ 27	▪ Approve 3 rd Interim Report
June	▪ 10 ▪ 24	▪ 2015-2016 Budget Adoption
July	No Meetings	
August	▪ 12 ▪ 26	
September	▪ 9 ▪ 23	▪ Unaudited Actuals
October	▪ 14 ▪ 28	
November	▪ 18	▪
December	▪ 9	▪ Annual Organization Mtg. ▪ Approve 1 st Interim Report

15.0 ADJOURNMENT

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
CLOSED SESSION AGENDA
February 11, 2015

- 2.1 Public Employee Appointment/Employment, Government Code Section 54957
a. Certificated Employees
b. Classified Employees

New Hires – Probationary	
2	Teachers
3	Behavior Technicians
1	Instructional Assistant – Moderate/Severe
Rehires	
	None
Promotions	
	None
New Hires	
	None
New Substitutes	
	None
Administrative Appointments	
1	Coordinator of Site Academics
Transfers	
	None
Other	
1	Principal
Extra Pay Assignments	
18	Coach
Extra Period Assignments	
	None
Leaves of Absence	
1	Teacher
1	Speech & Language Specialist
1	Custodian II
1	Instructional Assistant – Mild/Moderate
Retirements	
	None

Resignations/Terminations	
	None
Supplemental Service Agreements	
21	Teacher
Miscellaneous Actions	
	None
Separations From Service	
1	Custodian II
1	Instructional Assistant – General Ed
1	Instructional Assistant - Moderate/Severe
1	Office Assistant
Limited Term – Projects	
2	Campus Safety & Security Officer
2	Custodians II
139	Instructional Assistants – General Ed
3	Instructional Assistant – Child Development
1	Information Systems Support Tech
1	Lead Custodian I
1	Lead Custodian II
2	Office Assistant II
1	Office Assistant III
1	Office Manager
2	Translator
Exempt	
19	Childcare
1	Crossing Guard
1	Enrichment Specialist
27	Student Helper
Provisional	
1	Behavior Technology
1	Instructional Assistant – General Ed
2	Instructional Assistant – Mild/Moderate
1	Instructional Assistant – Moderate/Severe
Limited Term - Substitute	
1	Behavior Technician
2	Cafeteria Assistant

4	Custodian I
2	Groundskeeper I
2	Instructional Assistant – Mild/Moderate
2	Office Assistant II
1	Office Manager
1	Warehouse Delivery Worker

**January 21, 2015
REGULAR BOARD MEETING
UNADOPTED MINUTES**

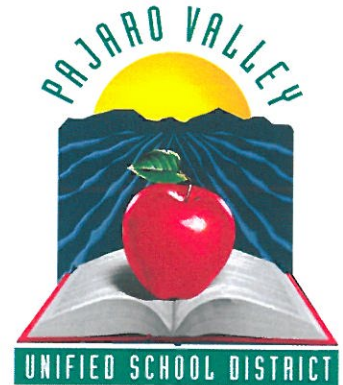
CLOSED SESSION – 5:30 p.m. – 7:00 p.m.

PUBLIC SESSION – 7:00 p.m.

DISTRICT OFFICE

Boardroom

292 Green Valley Road, Watsonville, CA 95076



1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 5:30 P.M.

1.1 Call to Order

Vice President Rivas called the meeting of the Board to order in public at 5:30 PM at 292 Green Valley Road, Watsonville, CA.

1.2 Public comments on closed session agenda.

The following students and parents advocated for the continuation of services from teacher Ryan Kuntz: Emily Sanchez, Clarissa Gonzalez, Yuritza Arciga, Ismael Ramirez-Mendoza, Alejandra Garcia, Marisol Serrato, Amie Sanchez, Andre Juarez, and Isaac Rodriguez, Lowell Hurst, and Martin Parra.

Ryan Kuntz, teacher, commented on his impression of mistreatment on behalf of management; he commented on his accomplishments as a teacher throughout 17 years.

2.0 CLOSED SESSION (AND AFTER REGULAR SESSION IF NECESSARY)

2.1 Public Employee Appointment/Employment, Government Code Section 54957

a. Certificated Employees

b. Classified Employees

New Hires – Probationary	
1	Administrative Secretary III
1	Behavior Technician
1	Custodian II
3	Instructional Assistant – Moderate/Severe
1	Library Media Tech
1	Office Assistant II
2	Planning Assistant
1	Parent Education Specialist
Rehires	
	None
Promotions	
	None

New Hires	
2	Counselors
6	Teachers
New Substitutes	
18	Substitutes
Administrative Appointments	
	None
Transfers	
	None
Other	
3	Principals
1	Teacher
Extra Pay Assignments	
1	Activity Director
16	Coach
Extra Period Assignments	
	None
Leaves of Absence	
7	<i>Teacher</i>
1	<i>Assistant Principal</i>
1	Principal
2	Cafeteria Assistant
1	Health Care Assistant
2	<i>Office Manager</i>
1	<i>Warehouse Worker II</i>
2	<i>Registration Specialist I</i>
1	<i>Interpreter/Tutor – Sign Language</i>
1	<i>Instructional Assistant – Moderate/Severe</i>
1	<i>Maintenance Specialist</i>
Retirements	
	None
Resignations/Terminations	
	None
Supplemental Service Agreements	
67	Teacher

Miscellaneous Actions	
	None
Separations From Service	
3	Behavior Technician
1	Instructional Assistant – General Ed
1	Instructional Assistant – Moderate/Severe
1	Lead Custodian II
2	<i>Office Assistant II</i>
1	<i>Supervisor, Food Services</i>
Limited Term – Projects	
2	Administrative Secretary III
1	Cafeteria Assistant
3	Campus Safety & Security Officers
3	Custodian I
1	Custodian II
1	Director, Transportation
1	Guidance Specialist
2	Instructional Support – Child Development
3	Instructional Support – General Ed
1	Library Media Tech
1	Mental Health Clinician
1	Office Assistant II
20	Office Assistant III
1	Office Manager
2	Student Information System Specialist
6	Translator
1	Warehouse Worker II
Exempt	
7	Childcare
3	Enrichment Specialist
36	Student Helper
8	Yard Duty
Provisional	
	None
Limited Term - Substitute	
	None

- 2.2 **Public Employee Discipline/Dismissal/Release/Leaves Legal Conference with Lozano Smith Attorney Regarding:**
 - a) **Dismissal charges for one (1) Certificated Employee**
 - b) **Settlement Agreement with one (1) Certificated Employee OR Dismissal Charges for one (1) Certificated Employee**
 - c) **Dismissal of one (1) Classified Employee**
- 2.3 **Negotiations Update**
 - a. **CSEA**
 - b. **PVFT**
 - c. **Unrepresented Units: Management and Confidential**
 - d. **Substitutes – Communication Workers of America (CWA)**
- 2.4 **Claims for Damages**
 - **Charles Schwartz III v. Pajaro Valley Unified School District**
- 2.5 **Pending Litigation**
- 2.6 **Anticipated Litigation**
 - **Legal Conference with Lozano Smith Attorney Regarding Pajaro Valley High School Bond Project**
- 2.7 **Real Property Negotiations**
- 2.8 **6 Expulsions**

3.0 OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC - 7:00 P.M.

President De Serpa called the meeting of the Board in public to order at 7:25 PM.

3.1 Pledge of Allegiance

Assistant Superintendent Ylda Noguera led the board in the Pledge of Allegiance.

3.2 Welcome by Board President

Trustees Leslie DeRose, Maria Orozco, Karen Osmundson, Lupe Rivas, Jeff Ursino and President Kim De Serpa were present. Trustee Willie Yahiro was absent.

President De Serpa welcomed all to the meeting. She reported on the passing of former trustee Carlos Rico as well as of Joanne Yahiro, wife of trustee Yahiro. A moment of silence took place in their honor.

3.3 Superintendent Comments

Dorma Baker reported on her attendance to a presentation by motivational speaker Kevin Bracey and commented on the highlights of his message to the audience.

3.4 Governing Board Comments/Reports Standing Committee Meetings

Trustee DeRose reported she had attended the Pajaro Valley Prevention and Student Assistance's board meeting and was pleased to welcome Erica Padilla Chavez, native of Watsonville and alumnae of Watsonville High, as the new CEO of the organization.

Trustee Orozco invited all community members and students to next city council meeting on Tuesday to show support during the discussion on Pajaro Valley High School construction projects.

Trustee Rivas reported that she had attended a special function in honor of Martin Luther King.

Trustee Osmundson reported she has attended a celebration in honor of Martin Luther King.

3.5 Student of the Year Recognition

Administration, teachers, family and friends honored the following student and congratulated them for their accomplishments:

- *Maira Alejandra Espinoza-Casillas – Mintie White Elementary School*
- *Hayden Mennie - Aptos Jr. High School*
- *Rafael Diaz – Lakeview Middle School*
- *Andrea Navarro Rivera– Rolling Hills Middle School*

4.0 APPROVAL OF THE AGENDA

Trustee DeRose moved to approve the agenda. Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

5.0 APPROVAL OF MINUTES

a) Minutes of December 10, 2014

Trustee Orozco moved to approve the minutes for December 10, 2014. Trustee Rivas seconded the motion. The motion passed 5/0/1/1 (DeRose abstained; Yahiro absent).

6.0 ORGANIZATIONAL MEETING (CONTINUED FROM DECEMBER)

6.1 Recognition of Outgoing Board President

Dorma Baker, Superintendent

Dorma Baker thanked President De Serpa for her board leadership and presented her with a gift as outgoing president.

Public comment:

Bill Beecher, community member, commented on the challenges facing the district, including an effective English Language Learners program and vocational training, is a need and a change is needed. He recommended board actions that help improve student achievement.

6.2 Election of Officers of the Board

1. President

Trustee DeRose thanked president De Serpa for her leadership noting her fair and equitable treatment of all people. She nominated trustee Ursino for president. Trustee Ursino accepted the nomination and seconded the motion. The motion passed 5/1/1 (Rivas dissented; Yahiro absent).

2. Vice President/Clerk

Trustee De Serpa nominated trustee Orozco as Vice President/Clerk of the Board. Trustee DeRose seconded the motion. Trustee Orozco accepted the nomination. The motion passed 6/0/1 (Yahiro absent).

7.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT

Elias Napa, Leela Stevens of Aptos High School, Brittney Contreras and Felicia Davidson of Pajaro Valley High School, and Destany Vargas and Maria Rosas of Watsonville High School reported on various academic and club activities and gave a sports update.

8.0 VISITOR NON-AGENDA ITEMS

The following parents, students and community members advocated for Mr. Ryan Kuntz and spoke of his dedication to FFA: Francisca Cabrera, Sergio Cabrera, Clarissa Gonzalez, Martin Parra, Yuritza Arciga, Emily Sanchez, and Omar Cabrera.

Ryan Kuntz, teacher, spoke of his negative experience with administration in regards to the basis for his performance evaluations. He commented on his 17 year tenure at Watsonville High and of his accomplishments.

Lowell Hurst, community member and retired agriculture teacher, commented on the effectiveness of the agriculture program at the school.

Christine Mattheny, parent, commented on the importance of addressing dyslexia, which affects 20% of students, and her concern for the district's lack of services for students with dyslexia.

Max Mattheny, student, spoke of his experience and his frustration as a student with dyslexia and the need for adequate materials and tools.

Christine Kelsey, community member, was surprised to realize schools have students practice sports while students should instead be getting ready for finals.

9.0 EMPLOYEE ORGANIZATIONS COMMENTS – PVFT, CSEA, PVAM, CWA

Jack Carroll, PVFT, reported that the Tentative Agreement was approved and that negotiations went well. He reminded the board of the request for a study on the pesticides to be on the agenda. PVFT is looking forward to receiving FCMAT's report.

10.0 CONSENT AGENDA

Trustee DeRose moved to approve the consent agenda. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

10.1 Purchase Orders December 4, 2014 – January 14, 2015

10.2 Warrants December 4, 2014 – January 14, 2015

10.3 Approve Resolution #14-15-10, Report on Use of Developer Fees for 2013-2014.

10.4 Approve Williams Quarterly Report for October – December 2014, Number of Complaints: Zero (0).

10.5 Approve 2014-15 School Improvement Plans for Student Achievement.

10.6 Approve RFP's for California Environmental Quality Act (CEQA) Service from Board Approved Consultants.

10.7 Approve Award of Contract to Remodel/Repair the Watsonville High School Football Field Announcement Booth.

10.8 Approve Change Order #3 for Aptos High School Solar Projects #8107.

10.9 Approve Change Order #3 for Rolling Hills Middle School Solar Projects #8337.

11.0 DEFERRED CONSENT ITEMS

None.

12.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS

12.1 Report, discussion and possible action to approve the District's 2013-14 Annual Financial Report and Audit.

Report by Brett McFadden, CBO.

Brett McFadden was pleased to report that the audit found two minor findings that can be easily remedied and for which correction plans are already in place: 1 - extended learning not all sites have similar reporting requirements; 2 – compliance issue with the public hearing for instructional materials. Mr. McFadden thanked his staff for the work on to ensure that the district is always compliant and allow for fiscal transparency.

Public comment:

Jack Carroll, PVFT, pointed out a typographical error on page 13 of the report, which prompted a question to the number on page 73 and the fund balance of \$53 million being showed in 2014 while we have been using a \$38 million number.

Brett McFadden clarified that the additional funds are from fund 6, bond endowments, which need to be counted towards the ending balance of the general fund.

Board participated with comments and questions.

Trustee DeRose moved to approve this item with the correction to page 13's total reinvestment plan amount from \$3 million to \$13 million. Trustee De Serpa seconded the motion. The motion passed 6/0/1 (Yahiro absent).

**12.2 Report, discussion and possible action to approve Resolution #14-15-14
Authorizing the Transfer of \$4.5 Million from the Self-Insurance Fund to the
General Fund.**

Report by Brett McFadden, CBO.

Brett McFadden stated that given the district's negative certification on the first interim report, this action is warranted because the district's structural deficit has not been addressed in two years. As this point, bond investors are expressing their concern with the negative certification. The district will continue to face and address ongoing challenges in finance, including STRS/PERS contribution, and rising retiree benefits. Since the first interim report a few events affecting the district's budget have transpired, including the new LCFF calculation based on the governor's budget. The district is expecting a report from FCMAT in February, which will assist as programs are evaluated. From now until June, this district expects to move from negative to qualified to positive.

Mr. McFadden spoke on the action that is being recommended: moving about \$4.5 million dollars from the self-insured reserve, which is a fund that is no longer necessary, to the general fund to increase the ending balance. This action is enough to move from negative to qualified certification.

The board participated with comments and questions.

Trustee Rivas moved to approve this item. Trustee De Serpa seconded the motion. The motion passed 6/0/1 (Yahiro absent).

**12.3 Report, discussion and possible action to approve First Reading of the Instructional
Calendar for the 2015-16 School Year.**

Report by Sharon Roddick, Assistant Superintendent, HR

Sharon Roddick reported that the committee has convened for three meetings with the expectation to bring forward three calendars; the reason from bringing only one this time is that the district coordinates with the County Office of Education with the goal to find some consistency throughout the county on some of the major pieces on the instructional calendar. One piece we found to be out of alignment with the county is spring break. The committee is doing some investigation on the community's need around that issue. For this reason, staff is bringing one year instead of three for tonight's action. Early start date is to relieve some of the

transition for students and teachers we are recommending starting on a Thursday. This is a first reading and will come back for a last reading.

Trustee DeRose moved to approve the first reading as presented. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

12.4 Report, discussion and possible action to approve the Classified Exempt Salary Schedule for 2014-15.

Report by Sharon Roddick, Assistant Superintendent, HR

Sharon Roddick reported that this is a salary schedule with exempt classifications, which received a raise on July 1st.

Trustee DeRose moved to approve this item. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

12.5 Report, discussion and possible action to approve Resolution #14-15-13, Acknowledging National School Counseling Week, February 2 – 6, 2015.

Report by Sharon Roddick, Assistant Superintendent, HR

Sharon Roddick said that recognizing the work of staff is a high point and acknowledging counseling is important: counselors are helpful for students and parents in guiding them through the academic system. With the implementation of LCAP, the district is making a greater effort to recognize the value of counselors to students.

Trustee Osmundson moved to approve this item. Trustee De Serpa seconded the motion. The motion passed 6/0/1 (Yahiro absent).

12.6 Report, discussion and possible action to approve the following updates and additions to Board Policies(BP), Regulations (AR), Exhibits (E), and Board Bylaws (BB):

- ***5145.3 BP, Nondiscrimination/Harassment (Students Series)***
- ***-6161.1 BP, AR, E, Selection and Evaluation of Instructional Materials (Instruction Series)***
- ***6161.11 BP, Supplementary Instructional Materials (Instruction Series)***
- ***9310 BB, Board Policies (Board Bylaws)***
- ***9223 BB, Filling Vacancies (Board Bylaws)***
- ***9320 BB, Meetings and Notices (Board Bylaws)***
- ***9321 BB, Close Session Purposes and Agendas (Board Bylaws)***
- ***9323.2 BB. Actions by the Board***

Report by Dorma Baker, Superintendent

Public comment:

Bill Beecher, community member, offered his recommendations for changes to policy 6162.41 in the instructional series.

Vincent Oberst, parent, appreciates the proposed change to 6161.1 regarding showing of R rated movies in classroom. He believes the outstanding issue remains with the district's permission slip system and offered an example of one.

Mr. Murry Schekman stated that the issue of permission slip needs to be further studied to identify the best process for teachers to follow.

Trustee DeRose moved to approve the item, excluding AR 6161.1 and recommending that the issue of permission slip be researched. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

13.0 REPORT AND DISCUSSION ITEMS

13.1 Report and discussion on Coordination of Board Representatives to District and Community Committees.

The following board representatives volunteered to be on these committees:

1. *Community Advisory Committee – SELPA: Osmundson, De Serpa*
 2. *District English Learners Advisory Committee (DELAC): Rivas, Osmundson*
 3. *Inter-Governmental Relations: Ursino, Orozco, DeRose*
 4. *Migrant Head Start Policy Advisory: Orozco, Osmundson*
 5. *Pajaro Valley Prevention and Student Assistance (PVPSA): De Serpa, DeRose*
 6. *Safety: Yahiro*
 7. *SPECTRA- Arts Education Advisory Committee (VAPA): Rivas, DeRose*
 8. *Drop Out Committee: Rivas, Yahiro, Orozco*
- Report by Dorma Baker, Superintendent*

At 10:21 PM, trustee De Serpa moved to extend the meeting to 11:00 PM. Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

13.2 Report and discussion on the Governor's Proposed January 2015-2016 State Budget and District Fiscal Update.

Report by Brett McFadden, CBO.

Brett McFadden reported that the Governor's proposed budget is overall good for public education; it sets the tone and direction for education policy making. The governor stays the course in the Local Control Funding Formula and on the Local Control Accountability Plan. The plan also commits to Adult Education and Career Technical Education. Mr. McFadden outlined the major proposals for the 2015-16 budget, including designated funds to close the gap, one time discretionary funds, Adult Education and CTE grant blocks. He was pleased to see the investment to CTE as it promotes the continuation of the program. It was noted that the combined funding and LCFF implementation progress would cover about 58% of the gap in three years. The LCFF growth provides an average increase of 8.7% in per-pupil funding. Staff will return to the Board with calculator projections in February.

Mr. McFadden noted that the County Office of Education has reviewed and concurs with the districts accounting and analysis. The letter from the COE, along with their recommendations, was included in the board packet. In reference to the challenges, the district will continue to face a significant amount of them as programs, structural deficit, employee health benefits, increasing STRS and PERS contributions, post retirement liability, vacation accrual and unexpected changes to the LCFF are addressed.

Public comment:

Jack Carroll, PVFT, the multi-year project has not been presented as these numbers are still being analyzed. Page 73 of the audit the district shows an improvement to its first operating deficit since 2003.

Board participated with comments and questions.

Due to time restraints, the Board continued with action items.

Trustee DeRose moved to move action items prior to the LCAP presentation. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

14.0 ACTION ON CLOSED SESSION

2.1 Public Employee Appointment/Employment, Government Code Section 54957

a. Certificated Employees

Trustee DeRose moved to approve the certificated employee report with the following additions: 1 Assistant Principal and 3 Teachers under Leaves of Absence. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

b. Classified Employees

Trustee DeRose moved to approve the classified employees report with the following additions: 1 Warehouse Worker, 2 Registration Specialists, 1 Interpreter/Tutor Sign Language, 1 Office Manager and 1 Maintenance Specialist under Leaves of Absence; 1 Supervisor - Food Services and 1 Lead Custodian II under Separations from Service. Trustee De Serpa seconded the motion. The motion passed 6/0/1 (Yahiro absent).

2.2 Public Employee Discipline/Dismissal/Release/Leaves Legal Conference with Lozano Smith Attorney Regarding:

a) Dismissal charges for one (1) Certificated Employee

b) Settlement Agreement with one (1) Certificated Employee OR Dismissal Charges for one (1) Certificated Employee

Trustee DeRose reported that the Board had approved in closed session a settlement agreement for certificated employee #3097 with a vote of 6/0/1 (Yahiro absent).

c) Dismissal of one (1) Classified Employee

Trustee DeRose reported that the Board had approved in closed session the dismissal of certificated employee #1184 with a vote of 6/0/1 (Yahiro absent).

2.4 Claims for Damages

- Charles Schwartz III v. Pajaro Valley Unified School District

Trustee DeRose reported that the Board voted in closed session to reject claim and send notice of rejection to claimant.

2.8 6 Expulsions

Action in Expulsions:

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-026

Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-027

Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-028

Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-029

Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-030

Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

14-15-031

Trustee DeRose seconded the motion. The motion passed 6/0/1 (Yahiro absent).

The Board President recessed from Board of Trustees meeting and reconvened as Board of Directors for the Pajaro Valley Unified School District Financing Corporation.

After adjournment from the Board of Directors meeting, the Board President reconvened the Board of Trustees meeting.

Continuation of Board of Trustees agenda:

13.0 REPORT AND DISCUSSION ITEMS (continued)

13.3 Report and discussion on Local Control and Accountability Plan (LCAP) Progress Update.

Report by Susan Perez, Assistant Superintendent, C&I

Due to the time, trustee De Serpa moved to table item #13.3 to the next board meeting. Trustee Orozco seconded the motion. The motion passed 6/0/1 (Yahiro absent).

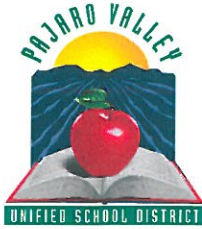
15.0 ADJOURNMENT

There being no further business to address, the board meeting adjourned at 10:58 PM.

Dorma Baker, Superintendent



PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 9.3

Date: February 11, 2015

Item: Approve Award of Bid #BT_15_01_39_099_8603 to B&H Foto & Electronics Corporation for 70" consumer grade LED TVs.

Overview: Pajaro Valley Unified School District (PVUSD) Technology Services requested the procurement of 70" consumer grade LED TVs as part of the Intelligent Classroom Bond Project. The goal is for all PVUSD classrooms to have uniform access to projection throughout the district. TVs shall be provided by the awarded vendor. TVs shall be delivered to an installation contractor awarded on a separate RFP. The installation RFP will be awarded February 11, 2015.

Award is recommended to the lowest responsible bidder meeting all terms, conditions, and specifications presented in the bid. Prices shall be firm through the contract agreement.

Two (2) bids were received and opened at 1:00 PM, Wednesday, January 28, 2015.

B&H Foto & Electronics Corp.
Troxell Communications Inc.

Each contractor bid the specified unit provided in the bid.

B&H \$1,180.00 ea. TOTAL \$664,965.40

Troxell \$1,376.79 ea. TOTAL \$782,197.98

Recommendation: Administration recommends approval in accordance with Invitation to Bid, resulting in award to B&H Foto & Electronics Corp. meeting the terms and conditions.

Budget Considerations:

Funding Source: Measure L bond program

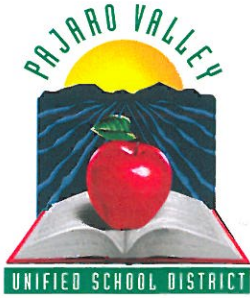
Budgeted: Yes: ☒ No: ☐

Amount: \$664,965.40

Prepared By: Tim Landeck, Director of Technology
Rich Buse, Director of Purchasing & Safety

Reviewed By: Brett W. McFadden, Chief Business Officer

Superintendent's Signature: Dorm Buse



PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Board Agenda Backup

Item No: 9.4

Date: February 11, 2015

Item: CAHSEE Passage Waiver
Math (PVHS 14-15-05)

Overview: Per Education Code 60851 (c) the parent/guardian of a student who has taken any section of the exam with one or more modifications and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit to the Governing Board a request for a waiver.

The attached documentation as required by Education Code demonstrates that the identified special education student has earned "the equivalent of a passing score" (350 or more points) on the exit exam using modifications identified in the student's IEP.

Required documentation includes a) Notification to Parent regarding students eligibility for waiver b) Parent's written request for a waiver c) Documentation of passing score with the use of a modification d) Documentation of the disability which required the modification e) IEP authorizing use of the modification and f) Transcript identifying current academic progress.

Recommendation: Approve

Budget Considerations: N/A

Prepared By: Denise Banghart-Bragg, Program Director Special Services

Superintendent's Signature:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Parent/Guardian Request for Waiver of the High School Exit Examination
Requirement for Students with Disabilities

Date: 12/12/14

To The Parent/Guardian of: _____
Adult Student

Beginning with the 2005-06 school year, all California public school students, including students with disabilities, are required to pass the California High School Exit Examination (CAHSEE) to receive a high school diploma.

This letter is to inform you that your child took one or more subject matter parts of the CAHSEE with a modification prescribed in his/her current individualized education program (IEP).

At your written request, The PVUSD Board of Education may waive the requirement to successfully pass one or both subject matter parts of the CAHSEE in order to receive a diploma. You may submit this request by completing the information below and returning this form to the principal of your child's high school.

Signature of Principal: _____

Date: 1/12/15

I request that ^Imy child, _____, who was tested with a modification and earned the equivalent of a passing score one or more part of the CAHSEE, be granted a waiver of this California graduation requirement.

I understand that in order to receive such a waiver, state law requires that my child have all of the following:

1. An IEP that specifies the use of modification(s) on the exit examination, standardized testing, or classroom instruction and assessments.
2. Sufficient high school level coursework either satisfactorily completed or a progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the CAHSEE.
3. An individual score report showing that my child has received the equivalent of a passing score on the CAHSEE while using a modification that fundamentally alters what the high school examination measures as determined by the State Board of Education.

Signature of ^{Adult Student}Parent: _____

Date: 12/10/14

FOR SITE USE ONLY

Date Received by Principal: _____

Student Identification Number: _____

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Principal's Certification and Request for the Governing Board to Waive the High School
Exit Examination Requirement for Students with Disabilities.

Student's Name: _____

Student's ID Number: _____

Pursuant to Education Code 6051, the ~~parent/guardian of~~ ^{Adult Student} a student with disabilities, has requested that the Governing Board waive the requirement that he/she successfully pass the high school exit examination in order to receive a diploma. This student has taken the high school exit examination with one or more modifications that fundamentally alter what the test measures as determined by the State Board of Education, and has achieved the equivalent of a passing score one or both parts of the examination.

I certify that the student qualifies for a waiver because he/she satisfies all of the following conditions:

1. Has an individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act that specifies the use of the modification(s) on the exit examination, standardized testing, or classroom instruction and assessments.
(Attach the section of the IEP that specifies the modifications).
 - a. Describe the nature of the student's disability as identified on the IEP (please note if this will result in overt identification of the student).
Area of Eligibility: Specific Learning Disability - Difficulties in areas of math calculations and reading comprehension.
 - b. Describe any modification used on the ☐ English/language arts or ☒ math section of the exam (separate form must be filled out for each section):
Use of calculator
 - c. State the rationale for applying the modification(s) used to achieve an equivalent passing score on the CAHSEE for this student. **Below average: visual motor integration skills, auditory working memory skills, and weaker auditory cohesion skills, adversely affect Rosana's ability particularly in math calculation skills and reading comprehension.**
 - d. Describe the modification(s) that the student regularly uses in the classroom and on other assessments.
Use of calculator

2. Has sufficient high school coursework either satisfactorily completed or in progress in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the CAHSEE. (*Attach transcripts showing coursework completed*).
3. An individual score report showing that my child has received the equivalent of a passing score on the CAHSEE while using a modification that fundamentally alters what the high school examination measures as determined by the State of Board of Education. (*Attach a copy of the exit exam Student and Parent Report showing "equivalent of a passing score" in the English/language arts and/or the mathematics portion of the exam.*)

Certified by: _____

Principal's Signature

1/12/15
Date

I agree that the information on this Waiver Request Sheet accurately describes the modifications that this student regularly uses as identified in the IEP.

Signature of Student's Special Education Teacher

12/12/14
Date

Sharon Duty, Resource Specialist
Print Name of Student's Special Education Teacher

I agree that the information on this Waiver Request Sheet accurately states that the coursework this student has satisfactorily completed or is in the process of completing in the high school curriculum is sufficient to have obtained the skills and knowledge otherwise to pass the California High School Exit Examination.

Signature of Student's Academic Counselor

12/16/14
Date

Whitney Hegg
Printed Name of Student's Academic Counselor

Student Name _____

Pajaro Valley Unified School District

Enter Date: 8/20/2012

Graduated:

Class Of: 2015

School Name/Address

Pacific Coast Charter School
294 Green Valley Road
Watsonville, CA 95076

Tel: (831)786-2180

Fax: (831)761-6166

Counselor:

SSID:

Community Service Hours: 40

CrsID	Course Title	Mark	Credit	CrsID	Course Title	Mark	Credit	CrsID	Course Title	Mark	Credit	
Watsonville High School Grd 09 12/2010				Pacific Coast Charter School Grd 10 6/2013				Pacific Coast Charter School Grd 12 12/2014				
9240	N Advisory 9th	A	0.500	5910	Applied Arts Elective	P	2.000	4610	N Adv PE	A	2.000	
2435	Algebra Readiness	D	5.000	6050	Ceramics	NM	0.000	2417	Algebra 1 General	NM	0.000	
1065	BER3 /Read 180	B+	5.000	3450	Earth/Space Science	C+	7.500	9294	CAHSEE B Math	C-	5.000	
1130	P English 1	D-	5.000	1210	General English 2	B	5.000	6050	Ceramics	A-	2.500	
3605	P Integ Science I	F	0.000	2950	Intro HS Math (A)	P	5.000	7411	Economics General	A-	5.000	
5051	Intro Computers	C	5.000	4510	N Physical Education 9	P	3.000	1740	English Elective	NM	0.000	
4510	N PE 9	B	5.000	6040	Survey of Art	B	5.000	7312	Federal Government Gene	A	5.000	
Crs Att: 30.500 Cmp: 25.500 Total GPA: 1.705				7111	World Civ General	B-	5.000	6910	Fine Art Elective	A	5.000	
				Crs Att: 32.500 Cmp: 32.500				Crs Att: 38.000 Cmp: 24.500 Total GPA: 3.592				
Watsonville High School Grd 09 6/2011				Fresno COE Grd 10 6/2013				Credit Summary - High School				
9240	N Advisory 9th	B	0.500	2998	Basic Math A	C	5.000					
2435	Algebra Readiness	F	0.000	Crs Att: 5.000 Cmp: 5.000 Total GPA: 2.487								
1065	BER3 /Read 180	C	5.000									
1130	P English 1	C	5.000									
3910	Health	C-	5.000									
3605	P Integ Science I	D	5.000									
4510	N PE 9	C+	5.000									
Crs Att: 30.500 Cmp: 25.500 Total GPA: 1.525												
Watsonville High School Grd 09 7/2011				Pacific Coast Charter School Grd 11 12/2013				Subject Area				
SS3605	P INT. SCIENCE I-1st Sem	C	5.000	4610	N Adv PE	P	3.000	A	English	40.00	31.50	8.50
Crs Att: 5.000 Cmp: 5.000 Total GPA: 2.000				2410	P Algebra 1 CP	F	0.000	B	Math	20.00	20.00	
				9292	Basic Skills CAHSEE ELA	C	5.000	C	Biological Science	10.00	10.00	
				9291	Basic Skills CAHSEE Mat	P	5.000	D	Physical Science	10.00	10.00	
				6050	Ceramics	P	2.500	E	Health	5.00	5.00	
				1740	English Elective	P	1.500	F	Fine Arts / Foreign L	10.00	10.00	
				6910	Fine Art Elective	P	4.000	G	Physical Education	20.00	20.00	
				3010	Life Science	B	5.000	H	Applied Arts	10.00	10.00	
				6040	Survey of Art	NM	0.000	I	World Civilization	10.00	10.00	
				7208	US History-General	C+	2.500	J	US History	10.00	10.00	
				Crs Att: 33.500 Cmp: 28.500 Total GPA: 1.750				K	Federal Government	5.00	5.00	
								L	Economics	5.00	5.00	
								M	Electives	45.00	45.00	
								N	Algebra	10.00	5.00	5.00
								O	Science	10.00	10.00	
								X	Electives 2	0.00	6.50	
								---Total Credits---				
								220.00 213.00 13.50				
								GPA Summary				



California High School Exit Examination

See back for details

Student and Parent Report

Student Name

Date of Birth:

Student ID:

Grade: 12

School: 4430229 - Pacific Coast Charter

District: 69799 - Pajaro Valley Unified

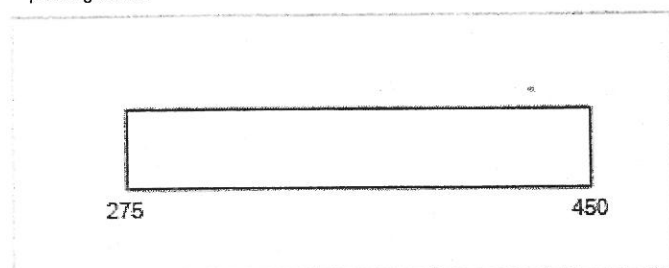
County: 44 - Santa Cruz Coun

English-Language Arts

Test Date: 10/07/2014

Your Total Score	Score Required to Pass	Status
		SATISFIED REQ

The district reported that your student previously satisfied the requirement to successfully pass this portion of the CAHSEE. This report is not proof of a passing score.



Strands for English-Language Arts

READING

Number of Questions Number Correct

Word Analysis

Reading Comprehension

Literary Response & Analysis

WRITING

Writing Strategies

Writing Conventions

Writing Applications*

Your Score

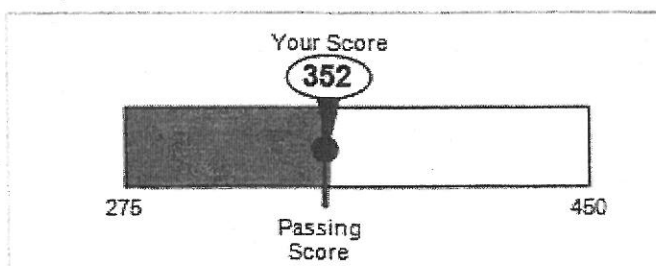
Essay

Mathematics

Test Date: 10/08/2014

Your Total Score	Score Required to Pass	Status
352	350	MODIFIED

Your student took this test using modifications as specified in his or her IEP or Section 504 plan. See "Taking the CAHSEE with Modifications" on the back of this report.



Strands for Mathematics

	Number of Questions	Number Correct
Probability & Statistics	13	7
Number Sense	17	13
Algebra & Functions	20	11
Measurement & Geometry	18	10
Algebra I	12	3

*Each student essay receives two scores that range from 1 (lowest) to 4 (highest) or non-scoreable (NS). The average of these two scores is listed above under the heading "Your Score".

*Writing Applications score counts as 20% of the total English-Language Arts score.

student must only retake the subject area examination (English-Language Arts and/or Mathematics) that was not passed.



**Pajaro Valley Unified School District Special Education Local Plan Area
INDIVIDUALIZED EDUCATION PROGRAM
Supplementary & Specialized Support/Promotion**

Student _____

Date of Birth _____

IEP Meeting Date 05/21/14

SUPPLEMENTARY/SPECIALIZED SUPPORT

Student requires supplementary aids and services or specialized materials/equipment as specified below.

☐ Supports for school personnel

☐ Specialized aids/materials/equipment (Assistive Technology)

☐ Program modifications

☒ None

Description	Responsible Agency/Personnel	Location	Frequency/Intensity	Duration	Start/End Date*
					Start:
					End:
					Start:
					End:
					Start:
					End:
					Start:
					End:
					Start:
					End:

* If a placement or service is ending, give reason _____

PROMOTION STANDARDS

☒ Student is working towards a diploma and will be promoted based upon district curriculum standards ☐ without accommodations or ☒ with accommodations.

☐ Student is working towards a certificate and will be promoted based upon alternative curriculum standards and/or substantial progress towards goals.

CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE)

☐ No accommodations or modifications

☐ Exempt due to eligibility for participation in CAPA

☒ Modifications (specify) Use of Calculator

☐ Grade Exempt (below grade 10)

☒ Accommodations (specify) Extra time, Flexible setting

☐ Passed both subtests of the CAHSEE



**Pajaro Valley Unified School District Special Education Local Plan Area
INDIVIDUALIZED EDUCATION PROGRAM
Specialized Instruction**

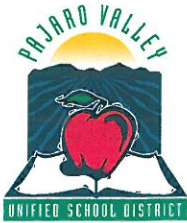
Student _____

Date of Birth _____

IEP Meeting Date 05/21/14

INSTRUCTIONAL ACCOMMODATIONS

Area of Difficulty	Accommodation	Responsible Agency/Personnel	Start Date
Visual-Motor	Calculator	District of Service, Gen. Ed. Teacher, Student as Advocate, RS	05/21/14
Auditory Memory, Auditory Processing	Extra Time: Assignments/Tests (1.5), Provide written instructions, examples of expectations, check for comprehension, Preferential Seating, Provide with Notes, Take Tests in Alternate Setting, Visual Models, Visual Schedule	District of Service, Gen. Ed. Teacher, Student as Advocate, RS	05/21/14



Board Agenda Backup

Item No: 9.5

Date: February 11, 2015

Item: Approve five students from Pájaro Valley High for travel to Spain in April 2015.

Overview: The World Language Department at Pájaro Valley High School is committed to providing students with extensive opportunities to learn about the language and culture of Latin America and Spain as part of our curriculum. Since we know that educational travel is a vital part of a complete education as students connect with new cultures, languages and people, we have planned a trip to Spain in order to provide first-hand experiences of classroom lessons, and motivate students to expand their knowledge beyond the classroom.

This will be the fourth group of Pájaro Valley High traveling to Spain within five years. April 4th -11th, 2015 is the proposed date of travel. The exact travel date will be selected by our travel company "Education First Tours." The trip will follow all regulations and procedures pertaining to out of country travel and I have been working with Risk management team to assure that all appropriate forms and materials are in order.

Spanish history is part of the Social Studies and World Language Framework for the high schools. While on this trip, our students learn about the Spanish culture, traditions and art, and keep daily journals of what they see and learn throughout the day. Students also earn elective credit through "EF Tours" by completing a post-travel project upon their return, which they will present to their Foreign Language classes. Staff is also working with students to provide them with written work requirements to be submitted upon their return.

The students are highly motivated to participate and we know this trip will be a life changing experience for all of them.

Rationale: Learn about Spanish history and culture and practice the language in a foreign country and motivate students to enroll in the AP Spanish Language and Culture and AP Spanish Literature and Culture classes.

Recommendation: The PVHS World Language Department recommends approval of the trip for this student team.

Budget Considerations: N/A

Prepared By: Sandra E. Macías

Superintendent's Signature: Dorn Burt



Board Agenda Backup

Item No: 9.6

Date: February 11, 2015

Item: Approval of Biological Consulting Services Firms for Pajaro Valley High School ESHA's

Overview: On November 21, 2014 the Maintenance, Operations and Facilities department started the process of seeking Biological Consulting Services firms that specialize in developing Restoration Plans in the Environmentally Sensitive Habitat Areas "ESHA's" similar to those surrounding Pajaro Valley High School. The District advertising and mailed out a Request for Statement of Qualifications to (29) Biological Consulting firms and on December 19, 2014 the District received (5) RFQ Responses which were reviewed and scored by both District and Watsonville Wetlands Watch staff. Out of the five (5) responses, four (4) firms were invited to participate in the interview phase which took place on February 2, 2015 and conducted by both District and Watsonville Wetlands Watch staff. After the interview process, PVUSD staff will request a Request for Proposal from the top three (3) firms.

Recommendation: It is recommended that the Board approves the use of these three Biological Consulting firms; Rincon Consultants, Kittleson Environmental and Horizon Water and Environment, and authorize the Director of Maintenance, Operations and Facilities to request a "Request for Proposal" from these three firms and execute a Consultants Service Agreement to the lowest proposal once it's been received by District staff.

Budget Considerations

Funding Source: Measure L Bond Funds

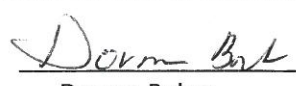
Budgeted: Yes: ☐ No: ☒

Amount: NONE

Prepared By:


Richard Mullikin, Director of Maintenance, Operations & Facilities

Superintendent's Signature:


Dorma Baker

Firm's Name	First Name	Last Name	Address	City	State	Zip Code	Phone	Fax	E-Mail
	Bryan M.	Mori	1016 Brewington Ave.	Watsonville	CA	95076	831-728-1043	831-728-1043	Moris4wildlife@earthlink.net
2NDNATURE Environmental Science & Consulting			500 Seabright Ave, #205	Santa Cruz	CA	95062	831-426-9119		
ABA Consultants	Jim	Oakden	P. O. Box 151	Capitola	CA	95010	831-479-0277		
Biological Assessment, Restoration, Compliance Monitoring	Nicole	Nedeff	11630 McCarthy Road	Carmel Valley	CA	93924	831-659-4252	831-659-4230	nikki@ventanaview.net
Biological Consulting Services	Michael S.	Marangio	252 A Texas Street	San Francisco	CA	94107	831-464-0589		
Biotic Resources Group	Kathy	Lyons	P. O. Box 14	Santa Cruz	CA	95063	831-476-4803		
Central Coast Wilds	Josh	Fodor	114 Liberty Street	Santa Cruz	CA	95060	831-459-0656		
Confluence Environmental Consulting Native Restoration and Landscaping			1129 Walk Circle	Santa Cruz	CA	95060	831-621-8084		
David Suddjian Biological			801 Monterey Avenue,	Capitola	CA	95010	831-476-9062		
Dawn Reis Ecological Studies			38 Lower Cutter Drive,	Watsonville	CA	95076	831-588-7550	831-761-9496	moreinfo@ecologicalstudies.com
Denise Duffy & Associates, Inc.	Denise	Duffy	947 Cass St., Suite 5	Monterey	CA	93940	831-373-4341	831-373-1471	info@ddaplanning.com dduffy@ddaplanning.com jdavis@ddaplanning.com jharwayne@ddaplanning.com eharwayne@ddaplanning.com mjohnson@ddaplanning.com
Eco Systems West	William	Davila	819 ½ Pacific Avenue, Suite 4	Santa Cruz	CA	95060	831-429-6730	831-429-8742	
EMC Planning Group Inc.	Janet	Isle	301 Lighthouse Avenue, Suite C	Monterey	CA	93940	831-649-1799	831-649-8399	ilse@mcplanning.com www.emcplanning.com
Entomological Consulting Services, Ltd.	Richard	Arnold	104 Mountain View Court	Pleasant Hill	CA	94523	925-825-3784		
Environmental Mitigation, Restoration and Enhancement projects	Scott	Hennessy	294 Corral de Tierra	Salinas	CA	93908	831-601-1119		hennessyst@comcast.net
Greening Associates	Suzanne	Schettler	P. O. Box 277	Ben Lomond	CA	95005	831-336-1745		
H. T. Harvey & Associates Ecological Consultants	Ron	Duke	983 University Avenue Building D	Los Gatos	CA	95032	408- 458-3200	408- 458-3210	marketing@harveyecology.com
Horizon Water & Environment	Kenneth	Schwarz	375 Vista Roma Way, Suite 308	San Jose	CA	95136	(510) 986-1851	(510) 421-7664	ken@horizonh20.com
John Gilchrist & Associates	John	Gilchrist	226 Spring Street	Santa Cruz	CA	95060	831-429-4355	831-425-2305	
Jones & Stokes Assocs. Inc.	Richard	Walter	620 Folsom St 2nd Floor	San Francisco	CA	94107	415-677-7100		
Kittleson Environmental Consulting	Gary	Kittleson	3284 Malibu Drive	Santa Cruz	CA	95062	831-479-0138		garykit@pacbell.net
Live Oak Associates, Inc.	Rick	Hopkins	6840 Via Del Oro, Ste. 220	San Jose	CA	95119	408-224-8300	408-224-1411	
Michael Marangio Biological Consultant			618 Lexington Avenue, Apt. 2	El Cerrito	CA	94530	510-528-7858		mmar@earthlink.net
Native Vegetation Network	Valerie J.	Haley	653 Quail Drive	Santa Cruz	CA	95060	831-425-0687		
Population and Community Ecologist Sand Hills Specialist	Jodi M.	McGraw, Ph.D.	PO Box 221	Freedom	CA	95019	(831) 768-6988		Jodi@jodimcgrawconsulting.com
Randy Morgan Biotic Consultant			3500 Main Street	Soquel	CA	95073	831-475-2212		
Rincon Consultants Inc			437 Figueroa Street, Suite 203	Monterey	CA	93940	831-333-0310	831-333-0340	
URS Corporation	Casey	Stewman	55 South Market Street,	San Jose	CA	95113	408-297-9585		casey_stewman@urscorp.com
Zentner & Zentner			945 Risa Road, Suite B	Lafayette	CA	94549	510-284-6270	510-284-6277	
	Grey	Hayes	849 Almar Avenue, C- 418	Santa Cruz	CA	95060	831-426-3880		

BIOLOGICAL CONSULTING FIRMS

Firms to which RFQ's were mailed to

Firm's Name	First Name	Last Name	Address	City	State	Zip Code	Phone	Fax	E-Mail
EMC Planning Group Inc.	Janet	Isle	301 Lighthouse Avenue, Suite C	Monterey	CA	93940	831-649-1799	831-649-8399	ilse@mcplanning.com www.emcplanning.com
Gallaway Enterprises	Elena	Gregg	117 Meyer Street, Suite 120	Chico	CA	95928	530-332-9909	530-332-9905	
Kittleson Environmental Consulting	Gary	Kittleson	3284 Malibu Drive	Santa Cruz	CA	95062	831-479-0138		garykit@pacbell.net
Rincon Consultants Inc			437 Figueroa Street, Suite 203	Monterey	CA	93940	831-333-0310	831-333-0340	
Horizon Water & Environment	Kenneth	Stchwarz	375 Vista Roma Way, Suite	San Jose	CA	95136	510-986-1851		


BIOLOGICAL CONSULTING FIRMS

Firms that submitted a RFQ Response

BIOLOGICAL - RFQ REVIEW for Pajaro Valley H.S. - ESHA's
Pajaro Valley Unified School District

Biological RFQ Due Date: December 19, 2014 before 2:00 PM

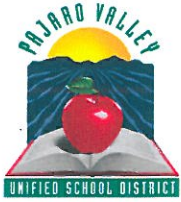
All firms listed below submitted RFQ's , the top (3) firms will be interviewed
and asked to submit a RFP to the District

	 PAJARO VALLY UNIFIED SCHOOL DISTRICT	REVIEWER "1"	REVIEWER "2"	REVIEWER "3"	REVIEWER "4"	REVIEWER "5"	REVIEWER "6"	REVIEWER "7"	TOTAL SCORE	RANK
1.	EMC PLANNING	35	32	36	28	28	31	33	223	3
2.	GALLAWAY	21	21	38	28	19	25	22	174	5
3.	HORIZON	37	34	40	35	22	37	28	233	2
4.	KITTLESON	23	22	36	36	30	33	39	219	4
5.	RINCON	38	39	40	32	28	39	29	245	1
6.										

TOP 4 Firms will be interviewed



PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: **9.7**

Date: February 11, 2015

Item: Declaration of Obsolete and/or Surplus Furniture, Textbooks and Equipment

Overview: Periodically, the district needs to dispose of obsolete furniture, textbooks and equipment. There is an accumulation of old furniture, textbooks and equipment located at various district locations.

Education Code, Sections 39520 and 39521 allows for disposal of surplus through a variety of methods, including sale to highest bidder in sealed bid, sale at public auction, trade-in against purchase of new item, sale to another public agency or donation to other non-profit organizations and for disposal without advertising if the value of the items is under \$2500. In addition, if the property is of insufficient value to defray the costs of a sale, the property may be disposed via appropriate public disposal.

Furniture, textbooks and equipment determined to be surplus and no longer acceptable by the district shall be dispose of as needed under the Education Code. At times the district receives donated items. When those items are declared surplus the district cannot sell them for profit.

The Board is requested to authorize the Chief Business Official or designee to donate, sell or dispose of surplus/obsolete furniture textbooks and equipment, in accordance with Education Code, by the methods determined to be most appropriate for each commodity type and situation, including donation of the surplus computer equipment to a non-profit agency.

Items to be donated to other non-profit organizations or disposed of include all surplus/obsolete textbooks, classroom and office furniture, audio visual equipment, old vehicles and vehicle parts, broken and obsolete equipment including computers.

Surplus list:

Obsolete Textbooks for Surplus

46442185004	reference	1
9780130442635	Algebra 1	1
9780130504869	Pre-Algebra	1
9780153097898	HB Ancient Civ	1
9780395978856	Passport to math	1
9780618050468	MS Math	1
9780618826872	HM Math K TE	1
9780736217453	Avenues	1
9780328004706	6th math	2
9780736217095	Avenues	2
9781593183714	Lang! D	2
9781602188457	Lang!	2
9780021478057	MH SS	3
9780130442659	Algebra 1 TE	4
9780153155161	5th grade math	4
9780153216121	Harc Matematicas	4
9780153216138	Harc Mateaticas	5
9781602188624	Lang!	5
9780618827398	HM Math 3rd	7
9780736209656	High Point	7
9780618238811	HM Lectura TE	10
9781602188655	Unknown	13
9780762206285	Hot words te	15
9780618041374	Passport to math	16
9780618041473	Alg Geometry Spanish	16
9781593183202	Lang! B	16
9780030923159	Holt Math	17
9780762205158	Hot Words	20
9781593184339	Lang! C	22
9780762205219	Mathscape	27
9781593184322	Lang! B	27
9781593183219	Lang! C	28
9780736212236	High Point	30
9780736209014	High Point	31
9781593184346	Lang! D	34
9780736209335	High Point	44
9781602188440	Lang!	48
9780021478057	MH SS 2nd	2
9780030923159	Holt Math	16
9780130442659	PH Alg TE	3
9780153155161	HM Math 5th	3
9780153216121	HM Math 4th	3

9780153216138	HM Math 5th Span	4
9780618041374	ML Passport to math	15
9780618041473	ML Passport geometry	15
9780618238811	HM Kinder TE	9
9780618827398	HM Math 3rd	6
9780736209014	High Point 6th	30
9780736209335	High Point 7th	43
9780736209656	High Point 8th	6
9780736212236	High Point Basic	29
9780762205158	Mathscape 6th	19
9780762205219	Mathscape	26
9781593182625	Language! Lev A	13
9781593183202	Language! Lev B	15
9781593183219	Language! 3-12	27
9781593184322	Language! Set B	26
9781593184339	Language! Set C	21
9781593184346	Language! Set D	33
9781602188440	Language Text C	47
9781602188624	Language 4th Ed	4
9781602188655	Language 4th Ed	12
		896

Additional books

0618559493	Creating America (AJHS)	50
1600170145	CGP Algebra 1	100
0618532943	Medieval Times (AJHS)	50
0021478058	MH Gente SS	20
0153155167	HM Math 5th	8
1593183208	Language! Book B	38
0736216456	Eng @ your Command	31
1593182627	Language! Book A	11
0618827404	HM Math 4th	4
0736209018	High Point 6th	10
0736209336	High Point 7th	25
0736209654	High Point 8th	4
073621223X	High Point Basic	10
0736217096	Avenues 4th	29
0736217452	Avenues 5th	23
0762205156	Mathscape	23
1593182627	Language Bk A	14
1593183216	Language 3-12	12
1593183712	Language 3-12	4
		466

Recommendation: Administration recommends approval of Declaration of Obsolete and/or Surplus Textbooks as requested.

Budget Considerations:

Funding Source: N/A

Budgeted: Yes: ☒ No: ☐

Amount: \$ N/A

Prepared By: Rich Buse, Director of Purchasing & Safety

Superintendent's Signature: Don Bel



Board Agenda Backup

Item No: 9.8

Date: February 11, 2015

Item: **Permission of Relocation of Uncertified Portable from Watsonville High School (WHS) to Aptos Junior High School (AJHS).**

Overview: On Friday December 19, 2014, a meeting was held at Aptos Junior High with Principal Moran. The discussion was focused on the current conditions of Portable Room 4. Inspections of the portable were made by Maintenance and Planning departments. The conclusion was to shut the room from further access and to determine the severity of the problem within the walls. Further investigation by Maintenance and a Certified Industrial Hygienist determined the room inhabitable. Permission to relocate a portable without DSA approval is being required. The relocation of the portable is an emergency and time sensitive. The portable will be in place for fifteen months until designs and construction of a two story building can be placed on site. The site currently is in need of classroom space and the relocation desperately needs to be expedited for students that have been displaced from the current room. Existing room 4 will be demolished and the Portable from WHS will be installed in accordance to plans and specifications from the manufacturer.

Recommendation: It is recommended that the Board approve permission to for the relocation of a portable classroom building from WHS to AJHS without DSA authorization and authorize the Director of Maintenance, Operations and Facilities to execute multiple contracts to contractors.

Budget Considerations:

Funding Source: Measure L Bond Funds

Budgeted: Yes: ☒ No: ☐

Amount: \$82,000

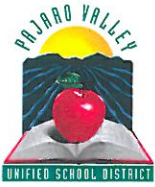
Prepared By:



Richard Mullikin, Director of Maintenance, Operations & Facilities

Superintendent's Signature:


Dorma Baker



Board Agenda Backup

Item No: 11.1

Date: February 11, 2015

Item: Approve the Student Calendar for the 2015-2016 School Year

Background: A First Reading of the draft 2015-2016 school calendar was presented to the Board of Trustees on January 21, 2015. Pursuant to the terms of the PVFT/PVUSD collective bargaining agreement, Article V, E, it is recommended for approval by the Board of Trustees.

Recommendation: Approve the Student Calendar for the 2015-2016 school year.

Prepared by:

Sharon Roddick
Sharon Roddick, Assistant Superintendent

Superintendent's Signature:

Dorm Bol

Pajaro Valley Unified School District 2015-2016



JULY

M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

AUGUST

M	T	W	T	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

SEPTEMBER

M	T	W	T	F
1	2	3	4	
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

OCTOBER

M	T	W	T	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

NOVEMBER

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				

DECEMBER

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

CODE:

- Legal Holiday
- Student/Teacher Recess
- Teacher Work Day
- Begin/End Qtr/Sem
- Trimesters
- SBC Days
- [] Restructured/Modified Days

11th: Teacher Work Day
12th: SBC Day
13th: Begin/End Qtr/Sem
13 Student Days

7th: Labor Day

21 Student Days

2nd: SBC Day
15th-16th: Beg/End Qtr/Sem

21 Student Days

6th: Trimester Ends
11th: Veterans Day
26th: Thanksgiving
27th: Holiday

17 Student Days

18th: Begin/End Qtr/Sem
12/21-1/11: Winter Break
24th: Holiday
25th: Christmas Day
30th: Classified Floater Holiday
31st: New Year's Eve Holiday
14 Student Days

JANUARY

M	T	W	T	F
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

FEBRUARY

M	T	W	T	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29				

11th: SBC Day
12th: Begin/End Qtr/Sem
12/21-01/11: Winter Break
18th: Martin Luther King Jr. Day

13 Student Days

8th: Lincoln's Birthday Observed
15th: Washington's Birthday

19 Student Days

MARCH

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

2nd: Trimester Ends
21st-22nd: Beg/End Qtr/Sem
3/25-4/1: Spring Recess

18 Student Days

APRIL

M	T	W	T	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

20 Student Days

MAY

M	T	W	T	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
28	31			

30th: Memorial Day

21 Student Days

JUNE

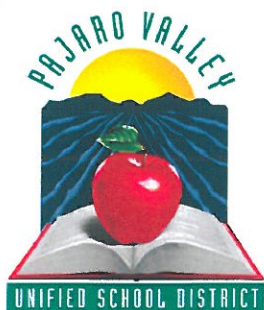
M	T	W	T	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

3rd: End Qtr/Semester
3rd: Trimester Ends
3rd: Minimum Day / All Schools
3 Student Days

180 Instructional Days

1st Semester: 86 Student Days

2nd Semester: 94 Student Days



PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Board Agenda Backup

Item No: **11.2**

Date: February 11, 2015

Item Name: Budget Augmentation to Pajaro Valley Prevention and Student Assistance, Inc.

Overview: Staff seeks the board's approval for a one-time budget augmentation of \$100,000 to Pajaro Valley Prevention and Student Assistance (PVPSA). The purpose of this augmentation is to provide budget stabilization and cash flow protection to the organization during its leadership transition.

PVPSA is a non-profit organization that provides mental health, counseling, and other special services exclusively to students in the district. PVPSA provides these services via partnership with the district. PVPSA programs are a critical component to the district's overall student services.

PVPSA is undergoing a transition. The organization's board recently appointed a new executive director and is in the midst of developing a new long range plan for fiscal stabilization and program expansion. This appropriation will provide PVPSA much needed fiscal stabilization and time to implement its new strategic plan. Absent this augmentation, the organization is projected to suffer significant cash flow challenges within two to three months.

PVPSA and district staff will be present to provide additional information on this matter.

Recommendation: Approve.

Budget Considerations:

Funding Source: General Fund

Budgeted: Yes: ☐ No: **X**

Amount: \$100,000.00

Prepared By:

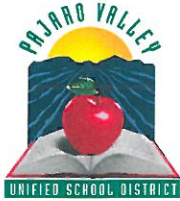
Brett W. McFadden, Chief Business Officer

Superintendent's Signature:

Dawn Bat



PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 11.3

Date:	February 11, 2015
Item:	Report, discussion and possible action to approve Updated Board Policies
Overview:	<p>BP/AR 0440 – District Technology Plan (BP/AR revised) Updated policy describes state and federal technology grant programs that require development of an education technology plan, includes optional language reflecting major purposes and goals of the plan, and addresses development and approval processes. Updated regulation describes the planning process, including members of the planning team, and lists the plan components required by the California Department of Education (CDE), including new component on the appropriate and ethical use of technology added by NEW LAW (AB 307).</p> <p>BP/AR 0450 - Comprehensive Safety Plan (BP/AR revised) Policy updated to reflect NEW LAW (AB 680) which authorizes district administrators rather than school site councils to develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents on school sites that may result in death or serious bodily injury and allows boards to prohibit public disclosure of those strategies. Policy also clarifies that the requirement to annually update the comprehensive safety plan applies to districts selecting either Option 1 (school site plans) or Option 2 (districtwide plan). Regulation updates section on "Content of the Safety Plan" to include examples of indicators that might be used to assess current school safety, reflects NEW LAW (AB 9) which adds requirements related to the district's nondiscrimination policy, reflects NEW LAW (AB 1156) which encourages districts to include bullying policies in their plans, reflects NEW LAW (AB 123) which expands the definition of a "disruption," and adds new optional language re: dating violence and threat assessment strategies.</p> <p>BP 1020 - Youth Services <u>Replace</u> BP. Updated policy addresses the Board's participation in collaborative relationships with city and county elected officials, and local agencies, expands language regarding needs assessment and program evaluation, and contains new optional language addressing the designation of a district coordinator, the Board's approval of services and resource allocations, joint powers agreements and memorandums of understanding, joint efforts to secure funding, and information sharing across agencies.</p>



BP/AR 1113 - District and School Web Sites

(BP/AR revised)

Updated policy (1) includes new section on "Design Standards" addressing accessibility of web sites to individuals with disabilities per U.S. Department of Justice technical assistance publication, (2) relates policy regarding advertising in school publications (BP 1325 - Advertising and Promotion) to advertising on district and school web sites, and (3) clarifies options related to posting of individual student photographs. Updated regulation deletes legal requirement to make school accountability report cards available on the Internet which repeated material in 0510 - School Accountability Report Cards. Regulation also contains material formerly in BP re: copyrighted material and external links, and adds new material re: individual teacher or classroom pages, editorial review of content, and staff development.

BP/AR 1330 - Use of School Facilities

(BP/AR revised)


MANDATED policy reflects **NEW LAW (SB 1404, 2012)** which (1) modifies the definition of "direct costs" that may be charged for community use of school facilities or grounds and (2) includes the YMCA and religious organizations/churches that arrange for and supervise youth sports league activities among the nonprofit organizations, clubs, and associations that may be allowed the use of school facilities or grounds without charge. Policy also adds statements on joint use of school facilities and references BP 1325 - Advertising and Promotion for guidance on advertisements on school facilities. Policy updated to also reflect **NEW TITLE 5 REGULATIONS** (Register 2014, No. 19) which (1) require boards to adopt a fee schedule that specifies the hourly fee to be charged for specific school facilities or grounds or for types/categories of school facilities or grounds, (2) contain specific rules for determining "direct costs" to be charged for use of school facilities and grounds, (3) authorize districts to discount direct cost fees based on the type or category of the applicant, and (4) address the expenditure of funds collected as capital direct costs.

MANDATED regulation clarifies responsibilities of groups or organizations using school facilities, including a requirement to provide evidence of insurance against claims arising out the group's own negligence. Material moved from AR to BP re: authority to grant the use of school facilities on those days on which the school is closed. Updated Exhibit provides a sample form for requiring a group or organization to (1) indicate its agreement to expressly undertake to comply with district restrictions on the use of facilities and (2) indicate its recognition of its liability for any damage or injury caused by its negligence.

BP/AR 4112.21 - Interns

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 97, 2013)** which eliminated the enhanced intern program, the alternative certification program designed to address teacher shortages in geographic or subject matter areas, the Certificated Staff Mentoring Program, and the Beginning Teacher Support and Assessment (BTSA) program. Policy also clarifies that an intern program must be approved by the Commission on Teacher Credentialing (CTC), reflects **NEW TITLE 5 REGULATIONS** (Register 2014, No. 7) addressing the qualifications and support/supervision of interns, and reflects **NEW FEDERAL LAW (P.L. 113-46)** which extends through 2015-16 the authority for districts to assign interns to teach core academic subjects if they meet the State Board of Education's (SBE) definition of a "highly qualified teacher."



Regulation reorganized to delete separate sections for university and district intern programs since all programs are subject to the same CTC program standards and **NEW TITLE 5 REGULATIONS** (Register 2014, No. 7) addressing support/supervision of interns. Regulation also deletes material on the enhanced intern program as well as the alternative certification program designed to address teacher shortages in geographic or subject matter areas, as those programs were eliminated by **NEW LAW** (AB 97, 2013).

AR 4112.22 - Staff Teaching English Language Learners

(AR retitled and revised)

Retitled regulation adds definitions of "English learner" and "primary language instruction." Regulation also reflects **NEW TITLE 5 REGULATIONS** (Register 2010, No. 43) which authorize holders of the STSP or PIP to provide ELD and SDAIE services or, upon approval by the CTC for qualified individuals, to provide primary language instruction. Material re: Certificate of Completion of Staff Development revised to reflect sunseting of law which formerly allowed multiple subject, single subject, and education specialist holders to qualify to provide SDAIE by completing a CTC-approved staff development program and to clarify that this option is now available only to holders of the designated subjects teaching credential or service credential with a special class authorization. New paragraph added to reflect requirements related to employment of teachers from a foreign country who hold a sojourn credential.

AR 4112.23 - Special Education Staff

(AR revised)

MANDATED regulation updated to reflect **NEW LAW (AB 2160)** which extends until 2013 the flexibility for teachers whose clear or preliminary credential authorizes instruction to students with mild and moderate disabilities to provide instruction to autistic students under specified conditions. Regulation deletes paragraph reflecting similar flexibility to teach autistic students age 3-4 years since this provision will become inoperative on August 31, 2011 unless subsequent legislation is enacted.

BP/AR/E 4112.24 – Teacher Qualifications Under the No Child Left Behind

(BP/AR/E added)

Replace BP/AR. Updated policy deletes references to dates that have passed and distinctions between requirements for Title I and non-Title I programs, since all teachers of core academic subjects are now subject to the requirements. Updated, reorganized regulation reflects **REVISED TITLE 5 REGULATIONS** addressing subject matter competency for middle and high school teachers in "hard-to-staff settings." Regulation also clarifies requirements for special education teachers and deletes detailed material regarding the High Objective Uniform State Standard Evaluation (HOUSSE) which is covered in California Department of Education forms.

AR 4112.3, 4212.3, 4312.3 – Oath or Affirmation


(AR added)

Regulation added to be aligned with district practices.

AR 4112.4/4212.4/4312.4 - Health Examinations

(AR revised)

Regulation contains updated section on "Tuberculosis Tests" which (1) reflects **NEW LAW (SB 1069)** authorizing physician assistants to administer and verify results of tuberculosis tests, and (2) clarifies that an applicant previously employed by a private or parochial school can fulfill the tuberculosis testing requirement by producing a certificate or having his/her previous employer verify



that a certificate is on file. Regulation also reflects **NEW COURT DECISION** which held that, once a board decides to suspend or transfer a certificated employee suspected of suffering from a mental illness, it must proceed in accordance with procedures stated in Education Code 44942. Regulation also updated to reflect **NEW LAW (AB 1667)** which requires employees to complete a tuberculosis risk assessment and provides that a tuberculin skin test will only be necessary if risk factors are identified. Regulation also adds language on tuberculosis risk assessment/examination requirements for school bus drivers when the district contracts for transportation services and clarifies allowable exemptions from the tuberculosis risk assessment/examination requirements.

BP/AR 4112.41, 4212.41, 4312.41 – Employee Drug Testing
(BP/AR added)

Board policy and regulation added to reflect current district practices.

Policy revised to reflect **NEW FEDERAL COURT DECISION** which held that a district may not require all applicants to undergo pre-employment drug and alcohol testing, but may only test applicants for those positions in which the district can demonstrate a special need for testing, such as safety-sensitive positions. Policy contains blank lines for district to complete specifying the positions and duties that necessitate the need for testing. Regulation updated to limit pre-employment testing to safety-sensitive positions.

BP/AR 4112.42/4212.42/4312.42 - Drug and Alcohol Testing of Bus Drivers
(BP revised, AR added)

MANDATED policy revised to more directly reflect prohibitions against drug and alcohol use and clarify that alcohol testing conducted under the federal testing program should follow federal law re: the blood alcohol concentration level that triggers specified consequences. Policy also adds language on confidentiality of test results, reports to the Department of Motor Vehicles, option to impose rehabilitation or return-to-duty program, and option to establish a voluntary self-identification program.

New **MANDATED** regulation reflects requirements pertaining to pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Regulation also adds definitions of key terms and designation of "designated employer representative," and expands material on driver notifications formerly in BP.

Recommendation:	Approve Updates to Board Policies
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Prepared By: Dorma Baker

Reviewed By: Administration

Superintendent's Signature:



DISTRICT TECHNOLOGY PLAN

The Governing Board recognizes that technological resources can enhance student achievement by increasing student access to information, developing their technological literacy skills, and providing instruction tailored to student needs. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance. The Board is committed to the development and maintenance of a districtwide infrastructure and to providing staff professional development that will allow the implementation of existing and new technologies.

(cf. 4040 - Employee Use of Technology)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6163.4 - Student Use of Technology)

The Superintendent or designee shall develop a three-year technology plan which:

1. Focuses on the use of technology to improve student achievement and is aligned with the district's vision and goals for student learning

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 6000 - Concepts and Roles)

2. Contains clear goals for the use of technology based on an assessment of district needs
3. Addresses all components required for state or federal technology grant programs, administered by the California Department of Education, in which the district participates (Education Code 51871.5, 52295.35; 5 CCR 11974; 20 USC 6764; 47 CFR 54.508)
4. Addresses the use of technology to improve district governance, district and school site administration, support services, and communications

(cf. 0400 - Comprehensive Plans)
(cf. 1113 - District and School Web Sites)
(cf. 3580 - District Records)

Planning Team

The Superintendent or designee shall appoint a planning team to assist with the development of the technology plan. The recommendations of the committee shall be advisory only and shall not be binding on the Board. The plan shall be submitted to the Board for approval.

(cf. 1220 - Citizen Advisory Committees)
(cf. 9140 - Board Representatives)

DISTRICT TECHNOLOGY PLAN (continued)

Legal Reference:

EDUCATION CODE

10550-10555 Telecommunications standards

11800 K-12 High Speed Network grant program

51006 Computer education and resources

51007 Programs to strengthen technological skills

51865 California distance learning policy

51870-51874 Educational technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of federal Enhancing Education Through Technology (EETT) grant program

60010 Instructional materials, definition

66940-66941 Distance learning

PENAL CODE

502 Computer crimes, remedies

CODE OF REGULATIONS, TITLE 5

11971-11979.5 Enhancing Education Through Technology grants

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.500-54.523 Universal service support for schools, especially:

54.508 Technology plan

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Education Technology Planning: A Guide for School Districts, 2001

WEB SITES

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

California Department of Education, Education Technology Office: <http://www.cde.ca.gov/ls/et>

California Learning Resource Network: <http://www.clrn.org>

California Technology Assistance Project: <http://www.ctap.k12.ca.us>

International Society for Technology in Education: <http://www.iste.org>

Technical Support for Education Technology in Schools: <http://www.techsets.org>

DISTRICT TECHNOLOGY PLAN

Development of Plan

The district's technology plan shall be developed by a planning team which may include, but is not limited to, the Superintendent, district curriculum and technology administrators, site administrators, teachers, library media teachers, classified staff, parents/guardians, students, community members, including members of the business community.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

The Superintendent or designee shall present the planning team with its specific duties and responsibilities and a timeline for completing its recommendations and for reporting to the Governing Board.

Plan Components

The district's technology plan shall address, at a minimum, all of the following components:

1. Curriculum
 - a. Teachers' and students' current access to technology tools both during the school day and outside of school hours
 - b. The current use of hardware and software to support teaching and learning
 - c. The district's curricular goals and academic content standards as presented in various district and school site comprehensive planning documents

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 0420 - School Plans/Site Councils)

(cf. 6011 - Academic Standards)

- d. A list of clear goals and a specific implementation plan to:
 - (1) Use technology to improve teaching and learning by supporting the district's curricular goals and academic content standards
 - (2) Delineate how and when students will acquire technological and information literacy skills needed to succeed in the classroom and the workplace
 - (3) Ensure appropriate access for all students
 - (4) Use technology to make student record keeping and assessment more efficient and supportive of teachers' efforts to meet individual student academic needs

DISTRICT TECHNOLOGY PLAN (continued)

- (5) Use technology to make teachers and administrators more accessible to parents/guardians

(cf. 6020 - Parent Involvement)

(cf. 6143 - Courses of Study)

2. Professional development

- a. Teachers' and administrators' current technology skills and needs for professional development
- b. Clear goals and a specific implementation plan for providing professional development opportunities based on the needs assessment and on the curriculum goals, benchmarks, and timeline described in item #1 above

(cf. 4040 - Employee Use of Technology)

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4331 - Staff Development)

3. Infrastructure, hardware, technical support, and software

- a. The technology hardware, electronic learning resources, networking, and telecommunications infrastructure, physical plant modifications, and technical support needed by teachers, students, and administrators to support the activities in items #1 and 2 above
- b. The existing hardware, Internet access, electronic learning resources, infrastructure, and technical support currently in place in the district which could be used to support the components described in items #1 and 2 above

4. Funding and budget

- a. All costs and the current budget
- b. Existing and potential funding sources
- c. Annual budgets for the term of the plan
- d. Provision of ongoing technical support
- e. The district's policy for replacing obsolete equipment
- f. A process for monitoring progress and updating funding and budget decisions

(cf. 3100 - Budget)

DISTRICT TECHNOLOGY PLAN (continued)

5. Appropriate and ethical use of technology (Education Code 51871.5)
 - a. Appropriate and ethical use of information technology in the classroom
 - b. Internet safety
 - c. The manner in which to avoid committing plagiarism
 - d. The concept, purpose, and significance of a copyright so that students are equipped with the skills necessary to distinguish lawful from unlawful online downloading
 - e. The implications of illegal peer-to-peer network file sharing

(cf. 5131 - Conduct)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 6163.4 - Student Use of Technology)

COMPREHENSIVE SAFETY PLAN

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

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

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)
(cf. 9320 - Meetings and Notices)

COMPREHENSIVE SAFETY PLAN (continued)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference: (see next page)

COMPREHENSIVE SAFETY PLAN (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32260-32262 *Interagency School Safety Demonstration Act of 1985*

32270 *School safety cadre*

32280-32289 *School safety plans*

32290 *Safety devices*

35147 *School site councils and advisory committees*

35183 *School dress code; uniforms*

35291 *Rules*

35291.5 *School-adopted discipline rules*

35294.10-35294.15 *School Safety and Violence Prevention Act*

41510-41514 *School Safety Consolidated Competitive Grant Program*

48900-48927 *Suspension and expulsion*

48950 *Speech and other communication*

49079 *Notification to teacher; student act constituting grounds for suspension or expulsion*

67381 *Violent crime*

PENAL CODE

422.55 *Definition of hate crime*

626.8 *Disruptions*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

CALIFORNIA CONSTITUTION

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

CODE OF REGULATIONS, TITLE 5

11987-11987.7 *School Community Violence Prevention Program requirements*

11992-11993 *Definition, persistently dangerous schools*

UNITED STATES CODE, TITLE 20

7101-7165 *Safe and Drug Free Schools and Communities*

7912 *Transfers from persistently dangerous schools*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Management Resources: (see next page)

COMPREHENSIVE SAFETY PLAN (continued)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

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

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

California Emergency Management Agency: <http://www.calema.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

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

U.S. Secret Service, National Threat Assessment Center: http://www.secretservice.gov/ntac_ssi.shtml

COMPREHENSIVE SAFETY PLAN

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

COMPREHENSIVE SAFETY PLAN (continued)

4. A representative of each teacher organization at the school
(cf. 4140/4240/4340 - Bargaining Units)
5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

(cf. 1700 - Relations Between Private Industry and the Schools)

Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164
(cf. 5141.4 - Child Abuse Prevention and Reporting)
2. Routine and emergency disaster procedures including, but not limited to:
 - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

COMPREHENSIVE SAFETY PLAN (continued)

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

- 3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

- 4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

- 5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

- 6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

COMPREHENSIVE SAFETY PLAN (continued)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

COMPREHENSIVE SAFETY PLAN (continued)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Procedures, including those outlined in the Department of Pesticides Regulation's Healthy School Act, for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

COMPREHENSIVE SAFETY PLAN (continued)

10. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
- c. Assignment of staff members responsible for each identified task and procedure
- d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan
- e. Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

- f. Development of a method for the reporting of violent incidents
- g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

YOUTH SERVICES

The Governing Board desires to help all district students achieve their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The district shall provide support services for children and families to the extent possible and shall work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 5149 - At-Risk Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources.

The Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

(cf. 0200 - Goals for the School District)
(cf. 9140 - Board Representatives)

The Superintendent and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

In order to identify priorities for youth services, the Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also should examine the extent to which those needs are being met through existing services in the district and in the community, the costs of

YOUTH SERVICES (continued)

providing those services, and any gaps, delay, or duplication of services.

The Board will be informed of the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.

(cf. 1330 - Use of School Facilities)

(cf. 3100 - Budget)

All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

The Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth services coordination and delivery.

In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5125 - Student Records)

The Board may receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

(cf. 0500 - Accountability)

The Board may communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 9000 - Role of the Board)

Legal Reference: (see next page)

YOUTH SERVICES (continued)

Legal Reference:

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

49073 *Privacy of student records*

49075 *Parent/guardian permission for release of student records*

49557.2 *Sharing of information for MediCal eligibility*

HEALTH AND SAFETY CODE

120440 *Immunization records; release to local health departments*

130100-130155 *Early childhood development; First 5 Commission*

WELFARE AND INSTITUTIONS CODE

5850-5883 *Mental Health Services Act*

18961.5 *Computerized database; families at risk for child abuse; sharing of information*

18980-18983.8 *Child Abuse Prevention Coordinating Council*

18986-18986.30 *Interagency Children's Services Act*

18986.40-18986.46 *Multidisciplinary services teams*

18986.50-18986.53 *Integrated day care program*

18987.6-18987.62 *Family-based services*

Management Resources:

CSBA PUBLICATIONS

Expanding Access to High-Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007

Maximizing School Board Governance: Community Leadership, 1996

CHILDREN NOW PUBLICATIONS

California Report Card: The State of the State's Children, 2008

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006

Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

YOUTH LAW CENTER PUBLICATIONS

Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995

WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

California Department of Public Health: <http://www.cdph.ca.gov>

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.ccfc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

(9/90 10/96) 7/08

Policy
adopted:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

DISTRICT AND SCHOOL WEB SITES

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 web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

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.

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 web sites.

(cf. 1325 - Advertising and Promotion)

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)

DISTRICT AND SCHOOL WEB SITES (continued)

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

(cf. 5125.1 - Release of Directory Information)

Photographs of individual students may be published, together with their names, except when their parent/guardian has notified the district in writing to not release the student's photograph without prior written consent in accordance with BP/AR 5125.1 - Release of Directory Information.

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

Staff members' home addresses or telephone numbers shall not be posted on district or school web sites.

The home address or home 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, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her 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: (see next page)

DISTRICT AND SCHOOL WEB SITES (continued)

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

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

Aaris 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.csba.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>

DISTRICT AND SCHOOL WEB SITES

Guidelines for Content

District and school web sites shall provide current information regarding district/school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include district mission and goals, district or school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

(cf. 0440 - District Technology Plan)

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 6020 - Parent Involvement)

Individual teachers may create web pages linked to the district or school web site to provide information pertaining to class assignments, expectations, and activities.

Student work may be published on district or school web sites provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of materials on district and school web sites. If any copyrighted material is posted, a notice shall be included crediting the original producer of the material and noting how and when permission to reprint the material was granted.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the web site(s) upon approval of the Superintendent or designee. He/she shall ensure consistency of the material with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on district or school web sites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

DISTRICT AND SCHOOL WEB SITES (continued)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Security

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school web sites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

USE OF SCHOOL FACILITIES

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

(cf. 1330.1 - Joint Use Agreements)

USE OF SCHOOL FACILITIES (continued)**Fees**

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. As specified in Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, and school-community advisory councils. Other groups that request the use of school facilities under the Civic Center Act, including nonprofit groups not organized to promote youth and school activities and for-profit groups, shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

USE OF SCHOOL FACILITIES (continued)

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

37220 *School holidays*

38130-38138 *Civic Center Act, use of school property for public purposes*

BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverage on school premises*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

MILITARY AND VETERANS CODE

1800 *Definitions*

CODE OF REGULATIONS, TITLE 5

14037-14042 *Proportionate direct costs for use of school facilities and grounds*

UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

COURT DECISIONS

Good News Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Connell v. Higgenbotham, (1971) 403 U.S. 207

ACLU v. Board of Education of Los Angeles, (1961) 55 Cal. 2d 167

Ellis v. Board of Education, (1945) 27 Cal. 2d 322

ATTORNEY GENERAL OPINIONS

82 *Ops. Cal. Atty. Gen.* 90 (1999)

79 *Ops. Cal. Atty. Gen.* 248 (1996)

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

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

WEB SITES

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

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

USE OF SCHOOL FACILITIES

Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center

(cf. 1020 - Youth Services)

USE OF SCHOOL FACILITIES (continued)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A *veterans' organization* means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco

(cf. 3513.3 - Tobacco-Free Schools)

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

USE OF SCHOOL FACILITIES (continued)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

INTERNS

The district may employ interns as necessary to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the district may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

The district may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a district intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the district participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification. (Education Code 44225.7)

(cf. 4111/4211/4311 - Recruitment and Selection)

The Superintendent or designee shall ensure that any intern employed by the district possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential. (Education Code 44454, 44325, 44326, 44830.3)

(cf. 4113 - Assignment)

An intern may be assigned to teach core academic subjects, as defined in law, if he/she meets the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable.

(cf. 4116 - Probationary/Permanent Status)

(cf. 4141/4241 - Collective Bargaining Agreement)

INTERNS (continued)

Interns shall receive intensive, structured supervision and ongoing support by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and that they maintain frequent communication with the interns they are assigned to assist.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Governing Board may recommend to the CTC that the intern be awarded a preliminary credential. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the intern program(s) to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain general education or education specialist credentials.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

INTERNS (continued)

Legal Reference:

EDUCATION CODE

300-340 English language education for immigrant children
44225 Credentials, responsibilities of Commission on Teacher Credentialing
44225.7 Priority for hiring fully prepared teacher
44253.3-44253.4 Certificate to provide services to English learners
44253.10 Qualifications to provide specially designed academic instruction in English
44259 Minimum requirements for teaching credential
44314 Diversified or liberal arts program
44321 CTC approval of intern programs
44325-44328 District interns
44339-44341 Teacher fitness
44450-44468 Teacher Education Internship Act of 1967 (university interns)
44830.3 Employing district interns
44885.5 District interns classified as probationary employees

CODE OF REGULATIONS, TITLE 5

6100-6126 No Child Left Behind teacher requirements
80021.1 Provisional internship permit
80033 Intern teaching credential
80055 Intern credential, extension for extenuating circumstances

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers
7801 Definitions, highly qualified teacher
7801 Note Applicability of federal regulation defining interns as highly qualified teachers

COURT DECISIONS

Renee v. Duncan, 686 F.3d 1002 (2012)

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-840 Early Completion Option
SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014
Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013
Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013
California Standards for the Teaching Profession, October 2009
Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Administrator's Assignment Manual, 2008

Management Resources continued: (see next page)

INTERNS (continued)

Management Resources: (continued)

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS (continued)

Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, rev. October 5, 2006

WEB SITES

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

Commission on Teacher Credentialing, Interns: <http://www.ctc.ca.gov/educator-prep/intern>

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

INTERNS

Memorandum of Understanding

Before interns employed by the district assume daily teaching responsibilities, a signed memorandum of understanding shall be in place between the district and the partner college/university detailing the support and supervision that will be provided to interns. (5 CCR 80033)

(cf. 4112.2 - Certification)

The memorandum of understanding shall include, but not be limited to:

1. Specific responsibilities of the program supervisor
2. Qualifications, identification, terms of employment, roles and responsibilities, and training of individual(s) to provide on-site support to interns
3. Allocation of additional personnel, time, and resources for interns who have not yet earned an English learner authorization
4. Expectations regarding the type and frequency of support
5. The process of communication between the program supervisor and on-site support personnel
6. Documentation, monitoring, and evaluation of site support

The district may enter into an agreement to employ college/university staff to supervise interns and may pay for the supervision of interns out of district funds. Salary payments may be met by proportionately reducing the salaries of paid interns, provided that no more than eight interns are supervised by one staff member, the district salary normally paid to interns is not reduced by more than one-eighth, and the intern is not paid less than the minimum salary required by the state for a regularly certificated teacher. (Education Code 44461-44462)

Support and Supervision of Interns

The Superintendent or designee shall collaborate with the college/university teacher preparation program to design structured guidance of interns, regular site-based support and supervision, and a sequence of supervised fieldwork that includes planned observations, consultations, reflections, and individual and small-group teaching opportunities.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

INTERNS (continued)

Support and supervision provided to interns shall include the following: (Education Code 44830.3; 5 CCR 80033)

1. **Professional Development Plan:** The Superintendent or designee shall, in cooperation with the college/university, counsel each intern and, with the concurrence of the intern, shall develop a plan for the intern to complete the requirements to earn a credential in the content or specialty area(s) of the intern credential.

The plan shall include the components described in Education Code 44830.3, including, but not limited to, provisions for at least 120 clock hours (or the semester or quarter unit equivalent) of mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first semester or first year of service when required, and an annual evaluation of the intern.

2. **Assignment of Mentor Teacher:** Before an intern assumes daily teaching responsibilities, the Superintendent or designee shall assign him/her a mentor teacher who possesses a valid corresponding life or clear teaching credential and a minimum of three years of successful teaching experience.

The intern shall receive support from a mentor teacher who is assigned to the same school. If two or more mentor teachers are assigned to an intern, at least one of them shall be experienced in the curricular area(s) of the intern's assignment.

3. **Support During School Year:** Support and supervision shall include coaching, modeling, and demonstrating within the classroom. In addition, the intern shall receive assistance with course planning and with problem-solving regarding students, curriculum, and effective teaching methodologies.

Such support and supervision shall be provided for a minimum of 144 hours per school year or, for late hires, four hours multiplied by the number of instructional weeks remaining in the school year. At least two hours of support and supervision shall be provided every five instructional days.

4. **Additional Support Addressing the Needs of English Learners:** For any intern who enters the intern program without a valid English learner authorization, bilingual authorization, or crosscultural, language, and academic development certificate, the Superintendent or designee shall identify an individual who will be immediately available to assist the intern with planning lessons that are appropriately designed and differentiated for English learners, for assessing language needs and progress, and for support of language-accessible instruction through in-classroom modeling and coaching as needed. This individual may be the same mentor identified in item #2 above, provided he/she possesses an English learner authorization and will be immediately available to assist the intern.

INTERNS (continued)

In addition, the district and college/university shall provide such interns with additional support and supervision, including in-classroom coaching, specific to the needs of English learners. Such support and supervision shall be provided for 45 hours per school year or, for late hires, five hours multiplied by the number of months remaining in the school year.

An intern who passes the California Teaching English Learners examinations may be exempted from these requirements.

(cf. 4112.22 - Staff Teaching English Language Learners)

Early Completion Option

The Superintendent or designee shall inform qualified interns preparing for a multiple or single subject credential of the early completion option which allows them to challenge certain requirements of the intern program in areas where they have demonstrated competence.

In order to complete the intern program early and be recommended for a preliminary credential, candidates shall meet all requirements of the intern credential and the additional assessments and coursework specified in Education Code 44468.

STAFF TEACHING ENGLISH LANGUAGE LEARNERS

Definitions

English learner means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English. (Education Code 306)

Instruction for English language development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

Primary language instruction includes both *primary language development* designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and *content instruction delivered in the primary language* in any subject area. (Education Code 44253.2)

(cf. 6174 - Education for English Language Learners)

Teacher Qualifications

The Superintendent or designee shall ensure that any teacher with one or more English learners in his/her class possesses an English learner authorization issued by the Commission on Teacher Credentialing (CTC) authorizing ELD and/or SDAIE, as appropriate. A teacher possessing a bilingual authorization may be assigned to provide ELD, SDAIE, and/or primary language instruction.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4113 - Assignment)

(cf. 4222 - Teacher Aides/Paraprofessionals)

A teacher with a designated subjects teaching credential or a service credential with a special class authorization may enroll in a CTC-approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing instruction in SDAIE. (Education Code 44253.11)

(cf. 4131 - Staff Development)

STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)

The Governing Board may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

Legal Reference: (see next page)

STAFF TEACHING ENGLISH LANGUAGE LEARNERS (continued)

Legal Reference:

EDUCATION CODE

306 *Definition, English learner*
44253.1-44253.11 *Certification for bilingual-crosscultural competence*
44258.9 *County superintendent review of teacher assignments*
44259.5 *Standards for teachers of all students, including English language learners*
44380-44386 *Alternative certification*
44856 *Employment of teachers from foreign countries*
52160-52178 *Bilingual-Bicultural Act of 1976*
52180-52186 *Bilingual teacher training assistance program*
62001-62005. 5 *Evaluation and sunseting of programs*
99230-99242 *Mathematics and Reading Professional Development Program*

CODE OF REGULATIONS, TITLE 5

6100-6125 *Teacher qualifications, No Child Left Behind Act*
80015 *Requirements for the CLAD certification or English learner authorization*
80015.1-80015.4 *Requirements for CLAD, English learner authorization or bilingual authorization*
80021 *Short-Term Staff Permit*
80021.1 *Provisional Internship Program*
80024.7-80024.8 *Emergency CLAD and bilingual permits*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*
6601-6651 *Training and recruiting high-quality teachers*
6801-7014 *Language instruction for English learners and immigrant students*
7801 *Definitions, highly qualified teacher*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*

COURT DECISIONS

Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

CL-622 *Serving English Learners, December 2010*
CL-626B *Bilingual Authorizations, November 2010*
CL-626C *Crosscultural, Language and Academic Development (CLAD) Certificate, November 2010*
CL-568 *The Sojourn Certificated Employee Credential, August 2009*

WEB SITES

CSBA: <http://www.csba.org>
California Association for Bilingual Education: <http://www.bilingualeducation.org>
California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>
California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
U.S. Department of Education: <http://www.ed.gov>

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education programs (IEP). (5 CCR 80046.5, 80048.7)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

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

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80027.1)

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

Resource Specialists

The district's resource specialist program shall provide, but not be limited to: (Education Code 56362)

1. Resource specialist(s) to provide instruction and services for students whose needs have been identified in their IEPs and who are assigned to regular classroom teachers for a majority of the school day

SPECIAL EDUCATION STAFF (continued)

A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.

2. Information and assistance for students with disabilities and their parents/guardians
3. Consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members
4. Coordination of special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. At the secondary school level, emphasis on academic achievement, career and vocational development, and preparation for adult life

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

Teachers of Students with Autism

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

In addition, a teacher whose education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)

1. He/she has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.

SPECIAL EDUCATION STAFF (continued)

2. He/she has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall report teacher assignments under the criteria specified in items #1 and #2 above to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal Reference: (see next page)

SPECIAL EDUCATION STAFF (continued)

Legal Reference:

EDUCATION CODE

44250-44279 *Credentials, especially:*
44256 *Credential types, specialist instruction*
44258.9 *Assignment monitoring*
44265-44265.99 *Special education credential*
44325-44328 *District interns*
44830.3 *District interns, supervision and professional development*
56000-56865 *Special education, especially:*
56195.8 *Adoption of policies*
56361 *Program options*
56362-56362.5 *Resource specialist program*
56363.3 *Maximum caseload; language, speech, and hearing specialists*
56441.7 *Maximum caseload; language, speech, and hearing specialists serving children ages 3-5*

CODE OF REGULATIONS, TITLE 5

3051.1 *Language, speech and hearing development and remediation; appropriate credential*
3100 *Waivers of maximum caseload for resource specialists*
6100-6126 *Teacher qualifications, No Child Left Behind Act*
80021 *Short-term staffing permit*
80021.1 *Provisional internship permit*
80025.4 *Substitute teaching, special education*
80026 *Declaration of need for fully qualified educators*
80027.1 *Special education limited assignment teaching permit*
80046.1 *Adapted physical education specialist*
80046.5 *Credential holders authorized to serve students with disabilities*
80047-80047.9 *Credentials to provide instructional services to students with disabilities*
80048-80048.9.3 *Credential requirements and authorizations*
80070.1-80070.8 *Resource specialist certificate of competence*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act, especially:*
1401 *Definition of highly qualified special education teacher*
6319 *Highly qualified teachers*
7801 *Definitions, highly qualified teacher*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*
300.8 *Definition of autism*
300.18 *Highly qualified special education teachers*
300.156 *Special education personnel requirements*

Management Resources: (see next page)

SPECIAL EDUCATION STAFF (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-15 Alternative Route to Provide Special Education Services to Students with Autism, September 7, 2010

10-13 Approval of Title 5 Regulations Pertaining to Special Education Services Credentials, July 21, 2010

10-12 Approval of Title 5 Regulations Pertaining to Special Education Teaching Credentials Requirements, July 21, 2010

09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special Education, July 23, 2009

09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits, July 23, 2009

08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Education Specialist Teaching and Other Related Services Credential Program Standards, September 2010

WEB SITES

California Association of Resource Specialists and Special Education Teachers:

<http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech-Language-Hearing Association: <http://www.csha.org>

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

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers for core academic subjects who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act (NCLB).

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 6171 - Title I Programs)

All teachers employed to teach core academic subjects shall be "highly qualified" as defined by federal law and the State Board of Education. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

The Superintendent or designee shall inform teachers of NCLB requirements and shall identify additional qualifications, if any, that individual teachers need to demonstrate in order to meet the requirements. He/she shall work with individual teachers to develop a plan for attaining full qualifications.

The Superintendent or designee shall monitor the distribution of "highly qualified" teachers among district schools and develop strategies, as needed, to encourage teachers who meet NCLB requirements to teach in schools with the lowest student performance.

(cf. 0520.1 - High Priority Schools Grant Program)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.4 - Quality Education Investment Schools)

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4138 - Mentor Teachers)

The Superintendent or designee shall report to the Board on the progress of the district's teachers toward becoming fully qualified. Such reports shall include, but need not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law, and the percentage of teachers who are receiving professional development to enable them to satisfy this definition. (20 USC 6319)

(cf. 4131 - Staff Development)

(cf. 4131.1 - Beginning Teacher Support/Induction)

Legal Reference: (see next page)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

Legal Reference:

EDUCATION CODE

44500-44508 Peer Assistance and Review Program for Teachers

44662 Performance evaluation; Stull Act review

44664 Teacher evaluation; program to improve performance

44865 Alternative programs

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staff permit

80021.1 Provisional internship permit

80089.3-80089.4 Subject matter authorizations

UNITED STATES CODE, TITLE 20

1401 Definition of highly qualified special education teacher

6311 Parental notifications

6312 Title I local educational agency plan

6314 Schoolwide programs

6315 Targeted assistance schools

6319 Highly qualified teachers

7345-7345b Small Rural Schools Achievement Program

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings, January 2007

NCLB Teacher Requirements Resource Guide, March 1, 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised October 5, 2006

New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004

WEB SITES

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

California Department of Education, NCLB Teacher Quality: <http://www.cde.ca.gov/nclb/sr/tq>

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

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

(3/06 11/06) 7/08

Policy
date:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Definitions

Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. (20 USC 7801)

Hard-to-staff setting means a middle or high school classroom eligible for the federal Small Rural Schools Achievement Program, a middle or high school special education classroom, or a middle or high school alternative education program as specified in Education Code 44865, including home teaching, hospital classes, necessary small high schools, continuation schools, alternative schools, opportunity schools, juvenile court schools, county community schools, and district community day schools. (5 CCR 6100)

(cf. 6181 - *Alternative Schools/Programs of Choice*)

(cf. 6183 - *Home and Hospital Instruction*)

(cf. 6184 - *Continuation Education*)

(cf. 6185 - *Community Day School*)

High Objective Uniform State Standard Evaluation (HOUSSE) is a method of determining a teacher's subject matter competence using forms developed by the California Department of Education (CDE). HOUSSE Part 1 consists of a summation of the teacher's years of experience, coursework, professional development, and service to the profession. HOUSSE Part 2, to be conducted only if Part 1 does not indicate subject matter competency, consists of direct observation and portfolio assessment and, if necessary, completion of the Peer Assistance and Review Program for Teachers or other individualized professional development plan. (5 CCR 6104)

(cf. 4139 - *Peer Assistance and Review*)

Level 1 professional development means training that will provide a teacher with the requisite understanding of each set of state content standards. *Level 2 professional development* means training that will provide a teacher with more in-depth understanding of the content standards than provided in a Level 1 professional development program. The trainings shall be consistent with state-adopted academic content standards, curriculum frameworks, and adopted texts and shall incorporate the assessment of subject matter competency as outlined in the CDE's document California's Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings. For each type of training, at least 36 hours in the core subject for which the teacher is being certified is required to substantively address the subject matter content. (5 CCR 6100, 6105)

Teacher new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, on or after July 1, 2002. (5 CCR 6100)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

Teacher not new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, before July 1, 2002. (5 CCR 6100)

Teacher Qualifications

To meet the teacher qualification requirements of the federal No Child Left Behind Act (NCLB), a teacher of a core academic subject shall meet all of the following conditions: (20 USC 6319, 7801; 34 CFR 200.55, 200.56, 300.18; 5 CCR 6101, 6104, 6105, 6110)

1. Hold a bachelor's degree
2. Hold a full credential or be currently enrolled in an approved intern program for less than three years

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)

3. Demonstrate subject matter competency in accordance with the applicable requirements below

(cf. 6171 - Title I Programs)

A teacher who holds a supplementary authorization or is employed on a local teaching assignment shall meet the teacher qualification requirements of NCLB if he/she holds a California teaching credential and has demonstrated subject matter competency for the grade span and subject matter taught. (5 CCR 6116)

A teacher shall not meet the teacher qualification requirements of NCLB if he/she is teaching with a short-term staff permit, a provisional internship permit, or a state or local waiver for the grade or subject taught. (5 CCR 6115, 80021, 80021.1)

Demonstration of Subject Matter Competency

Subject matter competency shall be demonstrated in accordance with the following requirements based on the grade levels taught and the teacher's length of time in the profession:

1. *An elementary teacher who is new to the profession* shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC). (5 CCR 6102)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

2. *An elementary teacher who is not new to the profession* shall complete one of the following: (5 CCR 6103-6104)
 - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher
3. *A middle or high school teacher who is new to the profession* shall pass or complete one of the following for every core academic subject currently assigned: (5 CCR 6111)
 - a. A validated statewide subject matter examination certified by the CTC
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
4. *A middle or high school teacher who is not new to the profession* shall pass or complete one of the following for every core subject assigned: (5 CCR 6112)
 - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competency for credentialing purposes
 - b. University subject matter program approved by the CTC
 - c. Undergraduate major in the subject taught
 - d. Graduate degree in the subject taught
 - e. Coursework equivalent to the undergraduate major
 - f. Advanced certification or credential, such as certification from the National Board for Professional Teaching Standards
 - g. The HOUSSE, as defined above, to determine the teacher's subject matter competency in each of the core academic subjects taught by the teacher

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

5. *A middle or high school teacher in a hard-to-staff setting*, as defined above, shall complete professional development for the subject matter verification process within three years of the date of assignment to such a setting. (5 CCR 6100, 6105)
 - a. If the teacher has fewer than 20 total or 10 upper division nonremedial college-level semester units, or equivalent quarter units, in a core academic subject, he/she shall complete both Level 1 and Level 2 professional development courses as defined above.
 - b. If the teacher has fewer than 32 semester nonremedial college-level units, but at least 20 total or 10 upper division nonremedial semester units, or the equivalent quarter units, in a core academic subject, he/she shall complete a Level 2 professional development course.

(cf. 4131 - Staff Development)

6. *An elementary, middle, or high school special education teacher teaching multiple subjects* exclusively to students with disabilities may either: (20 USC 1401; 34 CFR 300.18; 5 CCR 6111)
 - a. Meet the requirements above for teachers who are new or not new to the profession, as applicable
 - b. In the case of a new special education teacher who has demonstrated subject matter competency in mathematics, language arts, or science, demonstrate competency in the other core academic subject(s) he/she teaches through the HOUSSE no later than two years after the date of employment

Satisfaction of Requirements Outside District

A teacher who has been determined by another district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. (5 CCR 6120)

A teacher who has been determined to meet subject matter competency requirements outside of California shall be considered to have met those requirements for the particular subject and/or grade span in California. The date of issuance of a valid out-of-state credential shall be used to identify a teacher as new or not new to the profession. (5 CCR 6125)

A teacher prepared in a country other than the United States shall be considered to have met NCLB teaching requirements if he/she: (5 CCR 6126)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

1. Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education
2. Has completed a teacher preparation program that meets CTC requirements for out-of-country trained teachers
3. Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California teachers
4. Holds a California teaching credential

Certification of Compliance

All teachers teaching core academic subjects shall complete and sign a certificate of compliance with NCLB requirements and attach appropriate documentation. The Superintendent or designee shall verify the information and retain the signed original copy.

The principal of each school receiving Title I funds shall annually attest in writing as to whether the school is in compliance with NCLB requirements related to teacher qualifications. Copies of the attestation shall be maintained at the school and at the district office and shall be available to any member of the public upon request. (20 USC 6319)

District Plan for Highly Qualified Teachers

Within the Title I local educational agency plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements in accordance with law. As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet NCLB requirements. (20 USC 6312, 6319)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to: (20 USC 6311)

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who does not meet NCLB teacher qualification requirements. (20 USC 6311; 34 CFR 200.61)

The Superintendent or designee shall notify teachers, as appropriate, prior to distributing the above notice to parents/guardians.

The notice and information provided to parents/guardians shall be in an understandable and uniform format and, to the extent practicable, be provided in a language that the parents/guardians can understand. (20 USC 6311)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

ATTESTATION REGARDING QUALIFICATIONS OF TITLE I TEACHERS

Instructions: The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: _____ Principal: _____

I certify that all teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds meet the following qualifications:

1. Hold at least a bachelor's degree
2. Have a credential or are currently enrolled in an approved intern program for less than three years
3. Have demonstrated subject matter competence as required by 5 CCR 6100-6115 for the grade level(s) taught and the teacher's length of time in the profession

Signature of Principal

Date

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

PARENTAL NOTIFICATION OF TEACHER QUALIFICATIONS

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds under the federal No Child Left Behind Act (NCLB).

Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas.

This federal law requires the school to notify you that a teacher who has not yet completed the process for meeting NCLB requirements has taught your child for four or more consecutive weeks. However, the teacher is authorized to teach in California and is working toward completion of the requirements. Our school district continues to monitor teacher qualifications and to provide additional support and training, as necessary, to help teachers meet the requirements.

You may contact _____[insert school name]_____ to request the qualifications of your child's teacher. If you have any questions, please contact _____[insert principal name]_____ at _____[insert telephone number]_____.

Policy
date:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

Oath Or Affirmation

AR 4112.3(a)
4212.3
4312.3

Personnel

This oath or affirmation is different from the oath or affirmation required of certificated employees as a licensing requirement pursuant to Education Code 44334, in which credential candidates must affirm that they support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. Thus, the district should require all employees to take the oath or affirmation required by Government Code 3100-3102.

The California Constitution requires that Board members take the same oath; see BB 9224 - Oath or Affirmation.

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 9224 - Oath or Affirmation)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the

Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

(cf. 4121 - Temporary/Substitute Personnel)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

AR 4112.3(b)
4212.3
4312.3

Personnel

Reimbursement of Expenses for Disaster Service Workers

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation required for credential

44354 Administration of oath required for credential

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District 55 Cal. App. 3d 544 (1976)

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

(9/91 10/95) 7/03

Regulation
date:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

All Personnel

AR 4112.4(a)

4212.4

HEALTH EXAMINATIONS

4312.4

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

(cf. 1240 - Volunteer Assistance)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

(cf. 4212 - Appointment and Conditions of Employment)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

HEALTH EXAMINATIONS (continued)

(cf. 3312 - Contracts)
(cf. 3540 - Transportation)
(cf. 3542 - School Bus Drivers)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is inflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

(cf. 4030 - Nondiscrimination in Employment)

2. A classified employee who is employed for less than a school year and whose functions do not require frequent or prolonged contact with students
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy
4. A private contracted driver who transports students infrequently without prolonged contact with students

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, the district shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

HEALTH EXAMINATIONS (continued)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

(cf. 4032 - Reasonable Accommodation)

(cf. 4114 - Transfers)

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

Legal Reference: (see next page)

AR 4112.4(d)
4212.4
4312.4

HEALTH EXAMINATIONS (continued)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness

45122 Physical examinations

49406 Examination for tuberculosis

BUSINESS AND PROFESSIONS CODE

2700-2838 Nurses

3500-3546 Physician assistants

HEALTH AND SAFETY CODE

121525 Private and parochial school employees, examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired persons

5503 Physical examination for employment of retired persons

5504 Medical certification procedures

COURT DECISIONS

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

Management Resources:

WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Public Health Institute: <http://www.phi.org>

U.S. Food and Drug Administration: <http://www.fda.gov>

All Personnel

BP 4112.41(a)

4212.41

EMPLOYEE DRUG TESTING

4312.41

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

(cf. 5131.61 - Drug Testing)

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use.

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

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

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

Legal Reference: (see next page)

EMPLOYEE DRUG TESTING (continued)

Legal Reference:

EDUCATION CODE

44011 *Controlled substance offense*

44455 *Conviction for controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction for controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

44839 *Medical certificate; periodic medical examination*

45122 *Physical examinations*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

12940 *Unlawful employment practices*

CODE OF REGULATIONS, TITLE 5

5504 *Medical certification procedures*

CALIFORNIA CONSTITUTION

Article I, Section 28(c) *Right to Safe Schools*

UNITED STATES CODE, TITLE 20

7101-7184 *Safe and Drug-Free Schools and Communities Act*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

COURT DECISIONS

Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147

Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361

Loder v. City of Glendale, (1997) 14 Cal. 4th 846

Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

Skinner v. Railway Labor Executives' Assn., (1989) 489 U.S. 602

National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456

(10/93 6/97) 7/08

Policy
approved:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

All Personnel

AR 4112.41

EMPLOYEE DRUG TESTING

4212.41

4312.41

Pre-Employment Drug/Alcohol Screening for Safety-Sensitive Positions

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district. To ensure an individual's privacy, the district shall not use test results for any purpose other than those stated in Board policy and administrative regulation, shall maintain the confidentiality of screening records, and shall not disclose such records unless the applicant consents or the Superintendent or designee is presented with a court order requiring the disclosure.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test, at the district's expense, shall be administered as soon as possible to confirm the results. Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.

(10/93 6/97) 7/08

Regulation
approved:

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Watsonville, CA

All Personnel

BP 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

Any driver who refuses, fails to comply, or has a positive test result may be referred to an education and treatment program that meets the requirements of 49 CFR 40.281-40.313. If the substance abuse professional recommends that ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor his/her compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 4161/4261 - Leaves)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)
(cf. 4261.1 - Personal Illness/Injury Leave)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over his/her drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

- a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
- b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that he/she does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until he/she has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Legal Reference: (see next page)

BP 4112.42(d)
4212.42
4312.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

GOVERNMENT CODE

8355 Drug-free workplace; employee notification

VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

UNITED STATES CODE, TITLE 49

31306 Alcohol and drug testing

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.11-1308.15 Controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Drug and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

Management Resources:

CALIFORNIA HIGHWAY PATROL PUBLICATIONS

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:

<http://www.dot.gov/ost/dapc>

All Personnel

AR 4112.42(a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

(cf. 3540 - Transportation)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4020 - Drug and Alcohol-Free Workplace)

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25, from any employer who has employed the driver at any time during the previous two years. In addition, the Superintendent or designee shall ask the driver if he/she tested

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The driver shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district, or the driver or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety-sensitive functions for the district, the Superintendent or designee shall require the driver to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months.
3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.
4. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration level of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

2. The driver receives a citation for alcohol use within eight hours of the accident, or for drug use within 32 hours of the accident, and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

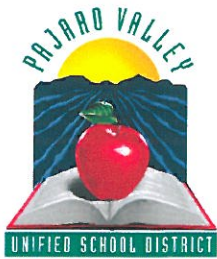
In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

(cf. 3580 - District Records)



PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Board Agenda Backup

Item No: **12.1**

Date: February 11, 2015

Item Name: **Measure L Bond Program – Quarterly Update**

Overview: Staff will provide the board a quarterly update on the district's Measure L School Bond Program and other related facility matters. This is an informational item – no actions are anticipated.

Recommendation: Informational only

Budget Considerations: Update only, no budgetary implications

Prepared By:

Brett McFadden, Chief Business Officer

Richard Mullikin, Director M/O/F

Victor Sandavol, Planning Supervisor / Bond Program Manager

Superintendent's Signature:

Dorm Bol