

TIPTON ELEMENTARY SCHOOL DISTRICT REGULAR BOARD MEETING

AGENDA

Tuesday, February 2, 2016

7:00 p.m. District Conference Room

1. **Call to order- Flag Salute**

In compliance with the Americans with Disabilities Act and the Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the Tipton Elementary School District office at (559) 752-4213. Notification 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to this meeting (28CFR35.102-35, 104 ADA Title II), and allow for the preparation of documents in appropriate alternate format

2. **Public Input:**

In order to ensure that Members of the public are provided a meaningful opportunity to address the board on agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public input portion of the agenda, or at the time the matter is taken up by the board. Board presentations are limited to 3 minutes per person and 15 minutes per topic.

2.1 Community Relations/Citizen Comments

2.2 Reports by Employee Units CTA/CSEA

2.3 Character Counts Student Recognition

2.4 Correspondence

School Board Appreciation Dinner, Thursday, February 11th at the Visalia Marriott

3. **CONSENT CALENDAR: Action items:**

3.1 Minutes of the Regular Board Meeting-January 12, 2016

3.2 Review of First Period Interim Report 2015-16

3.3 Field Trip Requests

4. **ADMINISTRATIVE: Action items:**

4.1 Professional Services Agreement to Conduct Level 1 Developer Fee Study

5. **FINANCE: Action items:**

5.1 Vendor Payments (*Updated document will be available during the vendor payment presentation*)

5.2 Budget Revisions

6. **INFORMATION: (Verbal Reports & presentations)**

6.1 MOT--FOOD SERVICE—PROJECTS

7. **Any Other Business-**

7.1 Quarterly Board Policy Updates – Informational

7.2 Public Hearing on the Educator Effectiveness Plan

8. **Adjourn to Closed Session:** The Board will consider and may act upon any of the following items in closed session. Any action taken will be reported publicly at the end of closed session as required by law.
 - 8.1 Personnel items: Employment, Resignations, Transfers, Leaves etc. of Certificated and Classified Personnel.
 - 8.2 Student transfers, expulsion, reinstatements, suspensions, inter District request, etc.
 - 8.3 Discussion on Certificated/Classified Negotiation
 - 8.4 Management Negotiation and Discussion.
9. **Reconvene to open session**
10. **Report out from Closed Session**
11. **Adjournment**

The Board upon discussion and a vote of agreement, the Board may make any item an action item.

Notice: If documents are distributed to Board Members concerning an agenda item within 72 hours of a regular board meeting, at the same time the documents will be made available for public inspection at the District Office located at 370 N. Evans Road, Tipton CA. 93272, telephone 752-4213.

Agenda Posted: Thursday, January 27. 2016

2. Public Input:

2.4 Correspondence

School Board Appreciation Dinner, Thursday, February 11th at the
Visalia Marriott

TKSCC / CTA / NEA

You are cordially invited to the

SCHOOL BOARD APPRECIATION DINNER

Thursday, **FEBRUARY 11, 2016**
6:00 PM

**MARRIOTT AT THE CONVENTION CENTER
300 SOUTH COURT, VISALIA, CA 93291**

The Registration Deadline is February 4, 2016

Register online today: www.tkscc.org
Questions? Call the UniServ Office: 559.733.7706

We look forward to seeing you!

No-Shows / Late Cancels will be billed.

3. CONSENT CALENDAR: Action items:

3.1 Minutes of the Regular Board Meeting - January 12, 2016

Minutes

REGULAR BOARD MEETING

Tuesday, January 12, 2016
7:00 p.m. District Conference Room

1. **Call to order- Flag Salute**

Board Clerk Greg Rice called the meeting to order at 7:00 pm and led the flag salute. Board Members present: Iva Sousa, Shelley Heeger, Greg Rice, John Cardoza and Tony Macedo.

Guest: Genaueba Gomez, Ivan Murillo, Desiree Hienks, Brenda Ambriz-Martinez, Kevin Sandoval, Vanessa Sandoval, Dario Perez, Jimena Perez, Luis Perez, Marlene Cruz, Jennifer Barajas and Stacey Bethencourt.

2. **Public Input:**

- 2.1 Community Relations/Citizen Comments
- 2.2 Reports by Employee Units CTA/CSEA
- 2.3 Recognize Spelling Bee Participants

Mrs. Desiree Heinks, Spelling Bee Coach, recognized several students for their participation and effort on the Rural School Spelling Bee.

3. **CONSENT CALENDAR: Action items:**

- 3.1 Minutes of December 8, 2015 Board Meeting
- 3.2 Agreement between Tipton ESD and 1 IPAD Gratis LLC for 2015-2016 Supplemental Educational Services
- 3.3 Agreement between Tipton ESD and 5 Star Tutors LLC for 2015-2016 Supplemental Educational Services
- 3.4 Agreement between Tipton ESD and #1 Acedemia de Servicio de Tutoria for 2015-2016 Supplemental Educational Services
- 3.5 Agreement between Tipton ESD and Datamatics for 2015-2016 Supplemental Educational Services
- 3.6 Agreement between Tipton ESD and Carter, Reddy & Associates for 2015-2016 Supplemental Educational Services
- 3.7 Field Trip Requests

Motion to approve the consent calendar was made by Shelley Heeger and second by Greg Rice.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4. ADMINISTRATIVE: Action items:

4.1 Annual Report of Developer Fees 2014-2015

Motion to approve the Annual Report of Developer Fees was made by Greg Rice and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

4.2 Consulting Services Agreement with Isom Advisors for Continuing Disclosure

Motion to approve the Consulting Services Agreement with Isom Advisors for Continuing Disclosure was made by John Cardoza and second by Iva Sousa.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5. FINANCE: Action items:

5.1 Vendor Payments

Motion to approve vendor payments was made by Shelley Heeger and second by Greg Rice.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5.2 Budget Revisions

Motion to approve budget revisions was made by Iva Sousa and second by John Cardoza.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

5.3 Audit Report for Year Ended June 30, 2015

Motion to approve Audit Report for the Year Ended June 30, 2015 was made by John Cardoza and second by Greg Rice.

Vote Yea 5/ No 0/ Abstain 0/ Absent 0

Yea - Shelley Heeger, Iva Sousa, Tony Macedo, John Cardoza and Greg Rice

No – 0

Abstain – 0

Absent – 0

6. **INFORMATION:**
6.1 MOT--FOOD SERVICE—PROJECTS
P-1 Attendance Report
Multi-Purpose Building Update

Mr. Miguel Guerrero, reviewed the P-1 Attendance Report and updated the board on the status of the Multi-Purpose Building.

7. **Adjourn to Closed Session: at 7:50 pm**
8. **Reconvene to open session at 8:17 pm**
9. **Report out from Closed Session**
- No action taken**
10. **Adjournment at 8:18 pm**

Minutes approved February 2, 2016

Tony Macedo, President

Greg Rice, Clerk

Miguel A. Guerrero Ed.D., Secretary

3. CONSENT CALENDAR: Action items:

3.2 Review of First Period Interim Report 2015-16

Tulare County Office of Education

Committed to Students, Support and Service

Jim Vidak
County
Superintendent
of Schools

P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
tcoe.org

Administration
(559) 733-6301
fax (559) 627-5219

Business Services
(559) 733-6474
fax (559) 737-4378

Human Resources
(559) 733-6306
fax (559) 627-4670

Instructional Services
(559) 733-6328
fax (559) 739-0310

Special Services
(559) 730-2910
fax (559) 730-2511

Main Locations

**Administration
Building & Conference
Center**
6200 S. Mooney Blvd.
Visalia

Doe Avenue Complex
7000 Doe Ave.
Visalia

**Liberty Center/
Planetarium &
Science Center**
11535 Ave. 264
Visalia

January 15, 2016

Miguel Guerrero, Superintendent
Tipton School District
PO Box 787
Tipton, CA 93272

SUBJECT: REVIEW OF FIRST PERIOD INTERIM REPORT, 2015-16

Dear Miguel:

The county office has reviewed the 2015-16 First Period Interim Report of the Tipton School District, and will be able to certify to the California Department of Education that the district has submitted a positive report for the period ending October 31, 2015.

We find that these documents reflect a satisfactory fiscal position and indicate the district will be able to meet its financial obligations during this fiscal year and the two subsequent years as certified by your governing board. We thank you for the timely filing of your Interim Report with our office. The efforts of your staff in the preparation and submission of this report along with the supporting documentation is appreciated.

Please read our attached addendum for further comments and recommendations.

If you have any concerns or questions about this review, our comments or recommendations, please do not hesitate to call at 733-6474.

Sincerely,



Ross Gentry, Interim Deputy Superintendent
Business Services
Tulare County Office of Education

RG/es
Encls.

cc: Tony Macedo, Board President

BACKGROUND

LEAs face increasing pressure to improve outcomes for students, which necessitates a reallocation of resources if existing programs are not producing the desired results. Each LEA faces its own particular set of educational challenges, and there is no “one size fits all” plan. Similarly, each LEA faces its own particular set of financial risk factors based on current reserve levels, enrollment trends, bargaining agreements, degree of revenue volatility and various other local and statewide factors.

In such a dynamic and uncertain operating environment there are a few key aspects to maintaining fiscal solvency and protecting the integrity of educational programs that apply to all districts:

1. Maintaining adequate reserves to allow for unanticipated circumstances (with the *adequate* level based on each LEA’s unique situational assessment).
2. Maintaining fiscal flexibility by limiting commitments to future increased expenditures based on projections of future revenue growth, and/or establishing contingencies that allow expenditure plans to be changed if needed.

Our office advises districts to use the FCMAT Local Control Funding Formula (LCFF) Calculator and assign a portion of the district’s unrestricted ending fund balance for 2017-18 for contingent fluctuations in future state funding levels. LEAs should also consider building in contingencies for emerging and fixed expenditure obligations such as increasing employer contributions to employee retirement systems, impacts of the Affordable Care Act, the rising costs of health insurance, AB 1522 sick leave accrual for part-time employees, possible pressure to prefund other post-employment benefits (OPEB) programs, or future facility needs, to name a few examples.

SUPPLEMENTAL/CONCENTRATION GRANT vs. BASE FUNDING

The new LCFF provides for additional funding to be provided for English learners, free and reduced-price meal program eligible students, and foster youth (Targeted Students). Once the LCFF is fully funded, the specific amount generated by the Targeted Students will be used to increase or improve services for those students. Until LCFF is fully funded, a growth formula is used to establish increases each year that should be used for the benefit of the Targeted Students. This growth formula results in a much larger increase each year for the Targeted Student funding than the Base funding for all students. As a result, it will be problematic for a district to pay for district wide cost increases out of smaller Base funding increases. Below is a table that reflects the district’s disproportionate increase between LCFF Base and Targeted funding for the 2015-16 fiscal year.

| | 2014-15 | 2015-16 | \$ Change | % Change |
|----------------------------|-----------|-----------|-----------|----------|
| Phase-In Entitlement | 5,168,646 | 5,821,990 | 653,344 | 12.64% |
| Supplemental Concentration | 693,301 | 1,256,357 | 563,056 | 81.21% |
| Base Funding | 4,475,345 | 4,565,633 | 90,288 | 2.02% |
| Estimated ADA | 594.11 | 594.11 | | |
| Per ADA Base Funding | 7,532.86 | 7,684.83 | 151.97 | 2.02% |

Caution is warranted when making any district commitments that will be funded out of LCFF Base funding.

RETIREMENT COSTS

The Governmental Accounting Standards Board Statement No. 68 (GASB 68) reporting requirements take effect for the 2014-15 financial statements for State and local government employers. Districts will now need to recognize their proportionate share of the net pension liability (NPL) for both CalSTRS and CalPERS retirees in their accrual based financial statements (Audit Reports).

The CalPERS Board has also adopted changes to the actuarial assumptions to be effective June 30, 2015. The changes result in a projected increase to the employer contribution rates for 2015-16 and for the next five years. The CalPERS Circular Letter 200-012-14 dated March 10, 2014 provided projected rates for 2014-15 through 2020-21 which were subsequently modified as shown below.

| CalPERS Actual and Projected Rates | | | | | | |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 2014-15 Actual | 2015-16 Projected | 2016-17 Projected | 2017-18 Projected | 2018-19 Projected | 2019-20 Projected | 2020-21 Projected |
| 11.771% | 11.847% | 13.050% | 16.6% | 18.2% | 19.9% | 20.4% |

Likewise, Assembly Bill 1469 increased the contribution rates that employers, employees and the state pay to support the State Teachers Retirement System. The rate for employers is 8.88% for 2014-15. Employer rates will continue to increase until 2020-21 and are expected to bring the retirement system to full funding in about 31 years.

| CalSTRS Rates per Education Code Sections 22901.7 and 22950.5 | | | | | | | |
|---|---------|---------|---------|---------|---------|---------|---------|
| | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 |
| Employer | 8.88% | 10.73% | 12.58% | 14.43% | 16.28% | 18.13% | 19.1% |

RESERVES

Reserve Caps – Our office continues to reinforce the need for reserves over the state minimum reserve requirements. The experience of the past six years has clearly demonstrated these minimum levels are not sufficient to protect educational programs from severe disruption in an economic downturn. The typical 3% reserve minimum represents less than two weeks of payroll for nearly all districts. Many LEAs have established reserve policies calling for higher than minimum reserves, recognizing their duty to maintain fiscal solvency.

Below is a schedule showing how the district’s First Interim report available reserves compares to the SB 858 capped reserves had it been effective for the 2015-16 fiscal year.

| | |
|---|------------|
| State Minimum Reserve Percentage | 4% |
| State Required Minimum Reserve | 267,588 |
| SB 858 Capped Reserve | 535,176 |
| District Available Reserves | 2,178,481 |
| Required Reduction to District Reserves | -1,643,305 |

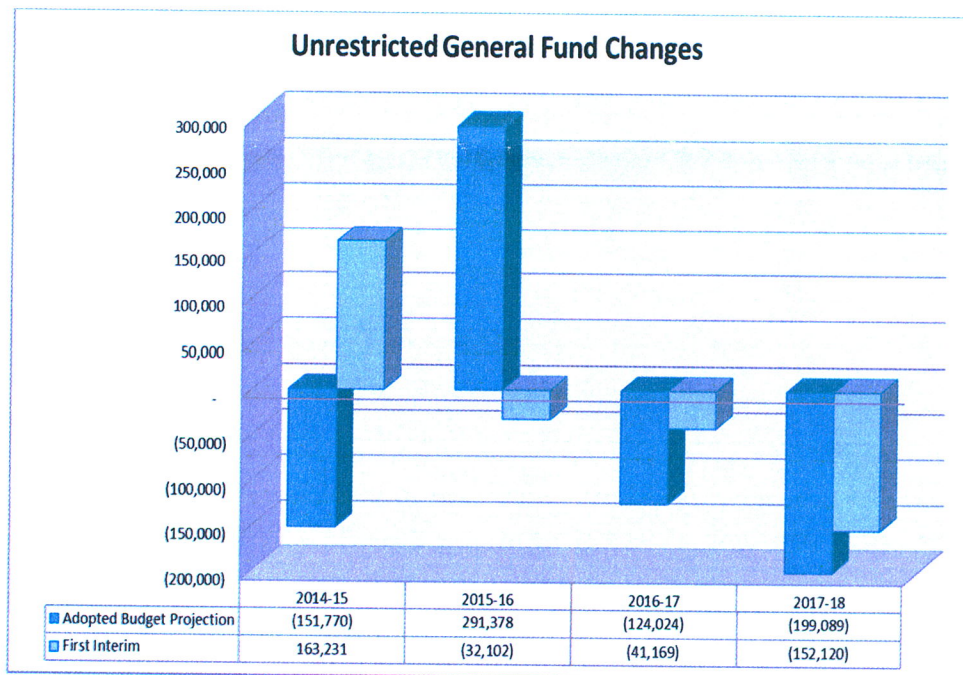
Based on the enacted budget for 2015-16, all of the conditions that would trigger reductions to school district ending fund balances under SB 858 (statutes of 2014) will not be met.

Full Accrual Impact of Reserve Caps – SB 858 caps, once effective, are to be established without regard to long-term debt obligations and their impact on a district’s audited financial statements, which include those long-term obligations. Governmental accounting standards are progressing toward full inclusion of postemployment benefits and unfunded pension obligations. As audit reports begin to recognize these long-term obligations, districts will find their annual audit report reflect negative unrestricted balances on their Statement of Net Position. This will ultimately result in public concern over the fiscal management of the school district and higher costs associated with obtaining long-term financing. Below is a comparison of the district’s 2014-15 unaudited actual available reserves (modified accrual basis of accounting) compared to the 2014-15 audited unrestricted net position which includes the full accrual impact of GASB 68.

| Unaudited Actuals Available Reserves | Audit Report Unrestricted Net Position | Difference |
|---|--|--------------|
| \$2,156,192 | -\$2,011,386 | -\$4,167,578 |

LOCAL CONTROL FUNDING FORMULA PROJECTIONS

Below is a comparison of the district’s adopted budget and the current interim’s anticipated change in the unrestricted general fund balance.



Below is a copy of the Summary page from the district's LCFF calculation prepared by our office. The second to the last line on this summary reflects an estimate of the supplemental and concentration grant funding the district will receive, by year, for its unduplicated count pupils. While it is considered unrestricted revenue, new revenues generated by Targeted Students are subject to the expenditure requirements of Education Code Section 42238.07.

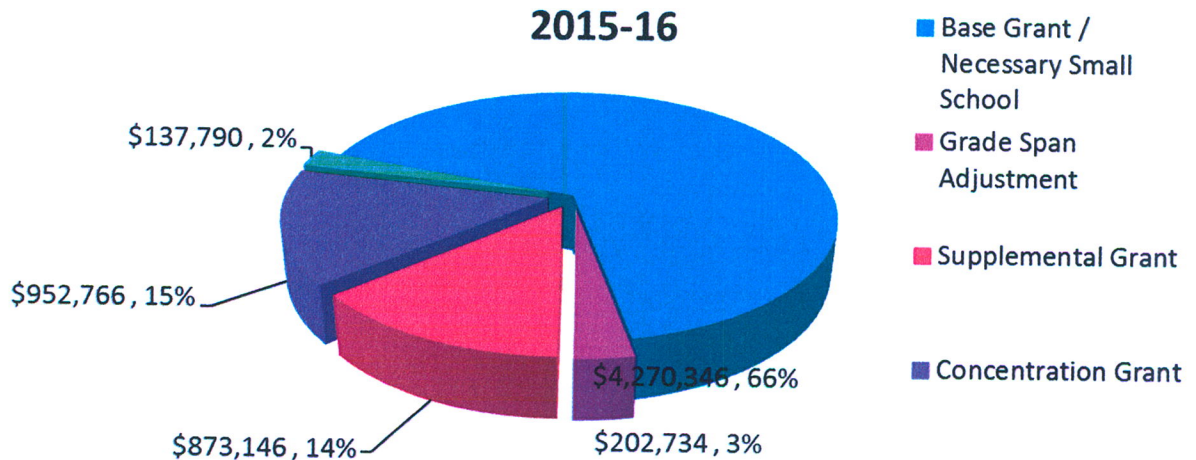
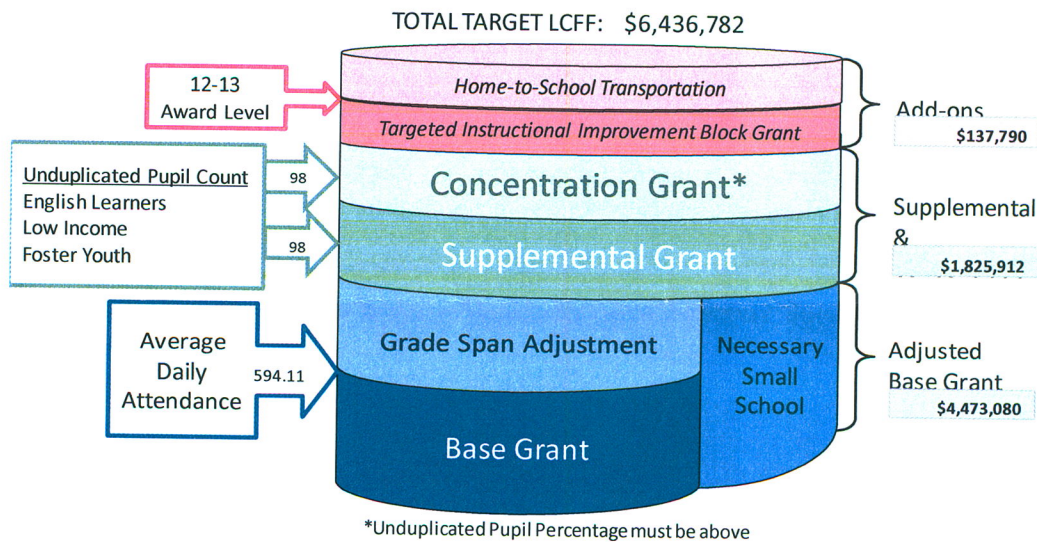
| LCFF Calculator Universal Assumptions | | | | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Tipton Elementary (72215) - 2015-16 1st Interim | | | | | | | | |
| Summary of Funding | | | | | | | | |
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | |
| Target | \$ 6,289,138 | \$ 6,376,340 | \$ 6,436,782 | \$ 6,001,938 | \$ 6,136,957 | \$ 4,507,010 | \$ 137,790 | |
| Floor | 4,429,598 | 4,647,106 | 5,168,646 | 5,457,248 | 5,525,442 | 5,617,629 | 1,441,639 | |
| Applied Formula: Target or Floor | FLOOR | FLOOR | FLOOR | FLOOR | FLOOR | TARGET | TARGET | |
| Remaining Need after Gap (informational only) | 1,636,364 | 1,207,694 | 614,792 | 476,495 | 500,770 | - | - | |
| Current Year Gap Funding | 223,176 | 521,540 | 653,344 | 68,195 | 110,745 | - | - | |
| Economic Recovery Target | - | - | - | - | - | - | - | |
| Additional State Aid | - | - | - | - | - | - | - | 1,303,849 |
| Total Phase-In Entitlement | \$ 4,652,774 | \$ 5,168,646 | \$ 5,821,990 | \$ 5,525,443 | \$ 5,636,187 | \$ 4,507,010 | \$ 1,441,639 | |
| Components of LCFF By Object Code | | | | | | | | |
| | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
| 8011 - State Aid | \$ 1,911,953 | \$ 3,485,107 | \$ 3,819,324 | \$ 4,519,960 | \$ 4,287,834 | \$ 4,453,265 | \$ 4,207,565 | \$ 1,441,639 |
| 8011 - Fair Share | - | - | - | - | - | - | - | - |
| 8311 & 8590 - Categoricals | 1,441,639 | - | - | - | - | - | - | - |
| 8012 - EPA | 661,645 | 631,145 | 795,295 | 748,003 | 683,582 | 628,895 | 299,445 | - |
| Local Revenue Sources: | | | | | | | | |
| 8021 to 8048 - Property Taxes | - | 536,522 | 554,027 | 554,027 | 554,027 | 554,027 | - | - |
| 8096 - In-Lieu of Property Taxes | - | - | - | - | - | - | - | - |
| Property Taxes net of in-lieu | 501,461 | 536,522 | 554,027 | 554,027 | 554,027 | 554,027 | - | - |
| TOTAL FUNDING | \$ 4,516,698 | \$ 4,652,774 | \$ 5,168,646 | \$ 5,821,990 | \$ 5,525,443 | \$ 5,636,187 | \$ 4,507,010 | \$ 1,441,639 |
| Excess Taxes | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| EPA in excess to LCFF Funding | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Summary of Student Population | | | | | | | | |
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | |
| Unduplicated Pupil Population | | | | | | | | |
| Agency Unduplicated Pupil Count | 575.00 | 598.00 | 548.00 | 548.00 | 548.00 | - | - | |
| COE Unduplicated Pupil Count | 5.00 | 2.00 | 2.00 | 2.00 | 2.00 | - | - | |
| Total Unduplicated pupil Count | 580.00 | 600.00 | 550.00 | 550.00 | 550.00 | - | - | |
| Rolling %, Supplemental Grant | 96.1900% | 97.7200% | 97.6000% | 97.7000% | 97.3500% | 0.0000% | 0.0000% | |
| Rolling %, Concentration Grant | 96.1900% | 97.7200% | 97.6000% | 97.7000% | 97.3500% | 0.0000% | 0.0000% | |
| FUNDED ADA | | | | | | | | |
| Adjusted Base Grant ADA | <i>Current Year</i> | <i>Current Year</i> | <i>Prior Year</i> | <i>Current Year</i> | <i>Current Year</i> | <i>Prior Year</i> | <i>Current Year</i> | |
| Grades TK-3 | 275.51 | 275.08 | 275.08 | 248.32 | 248.32 | 248.32 | - | |
| Grades 4-6 | 182.50 | 186.10 | 186.10 | 180.00 | 180.00 | 178.48 | - | |
| Grades 7-8 | 137.15 | 132.93 | 132.93 | 116.32 | 116.32 | 115.43 | - | |
| Grades 9-12 | - | - | - | - | - | - | - | |
| Total Adjusted Base Grant ADA | 595.16 | 594.11 | 594.11 | 544.64 | 544.64 | 542.23 | - | |
| Necessary Small School ADA | <i>Current year</i> | <i>Current year</i> | <i>Current year</i> | <i>Current year</i> | <i>Current year</i> | <i>Current year</i> | <i>Current year</i> | |
| Grades TK-3 | - | - | - | - | - | - | - | |
| Grades 4-6 | - | - | - | - | - | - | - | |
| Grades 7-8 | - | - | - | - | - | - | - | |
| Grades 9-12 | - | - | - | - | - | - | - | |
| Total Necessary Small School ADA | - | - | - | - | - | - | - | |
| Total Funded ADA | 595.16 | 594.11 | 594.11 | 544.64 | 544.64 | 542.23 | 0.00 | |
| ACTUAL ADA (Current Year Only) | | | | | | | | |
| Grades TK-3 | 275.51 | 275.08 | 248.32 | 248.32 | 248.32 | - | - | |
| Grades 4-6 | 182.50 | 186.10 | 180.00 | 180.00 | 180.00 | - | - | |
| Grades 7-8 | 137.15 | 132.93 | 116.32 | 116.32 | 116.32 | - | - | |
| Grades 9-12 | - | - | - | - | - | - | - | |
| Total Actual ADA | 595.16 | 594.11 | 544.64 | 544.64 | 544.64 | - | - | |
| Funded Difference (Funded ADA less Actual ADA) | - | - | 49.47 | - | - | 542.23 | - | |
| Minimum Proportionality Percentage (MPP) | | | | | | | | |
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | |
| Current year estimated supplemental and concentration grant funding in the LCAP year | \$ 693,301 | \$ 1,256,357 | \$ 1,312,143 | \$ 1,388,487 | \$ - | \$ - | \$ - | |
| Current year Minimum Proportionality Percentage (MPP) | 15.98% | 28.37% | 32.20% | 33.78% | 0.00% | 0.00% | 0.00% | |

We want to emphasize that a district's estimated annual LCFF funding is reflected on the line titled "TOTAL FUNDING" of the summary. **All parties should understand that the line titled "Target" only represents an estimated LCFF target level which the district is moving towards.** The state currently anticipates the gap between this Target and current funding received under LCFF will be eliminated by fiscal year 2020-21.

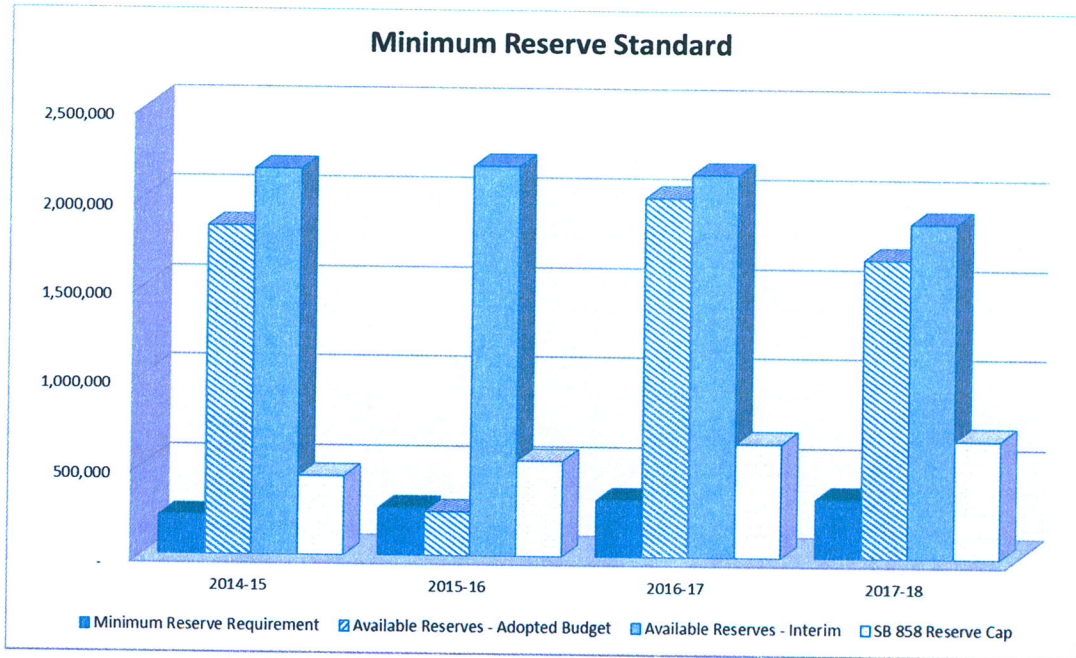
It should also be pointed out that the estimated amount for supplemental and concentration grants are included in "TOTAL FUNDING", not in addition to total LCFF funding. Below are two graphs depicting the estimated funding components for the district had the district been fully funded under LCFF for 2015-16.

Components of LCFF Target Entitlement

| | 2015-16 | |
|-------------------------------------|---------------------|------------|
| Base Grant / Necessary Small School | \$ 4,270,346 | 594.11 ADA |
| Grade Span Adjustment | \$ 202,734 | |
| Supplemental Grant | \$ 873,146 | 98% |
| Concentration Grant | \$ 952,766 | 98% |
| Add-ons (TIIBG & Transportation) | \$ 137,790 | |
| Total | \$ 6,436,782 | |



This final graph presents the district's 2015-16 First Interim reserve status compared with the original adopted budget and state minimum reserve requirement.



COMMENTS AND RECOMMENDATIONS

This section of our letter lists comments and recommendations we consider appropriate as a result of our review and current state budget projections.

- *The district is projecting current and future reserves that reflect a sound fiscal position. We commend the district for maintaining a secure financial position.*
- *The district has included 2015-16 one-time revenues in subsequent fiscal years in its multi-year projections.*
- *There are no additional comments or recommendations.*

3. CONSENT CALENDAR: Action items:

3.3 Field Trip Requests

Field Trip Approval Form

(MUST BE SUBMITTED ONE MONTH PRIOR TO FIELD TRIP)

TEACHER(S) Lampe GRADE 6th-8th

CLASSES ATTENDING Drama Class

DATE OF TRIP 2/26/16 NUMBER OF PUPILS 20 ADULTS 1

DESTINATION Enchanted Playhouse Theater - Visalia

BUS TO LEAVE SCHOOL AT ~~9:00am~~ 9:45am RETURN AT 3pm

BUS ROUTING AND STOPS

School to theater, then stop for lunch, and return to school

USE THE BACK OF THIS PAPER IF ROUTNING NEEDS MORE SPACE

PRELIMINARY STEPS: _____

TRIP RELEVENCY: Theatrical performance for the drama class - chance for kids to see what they are doing.

OTHER INFORMATION/STAFF CHAPARONE REQUEST: \$5.00 per ticket

COST \$ 105.00

CAFETERIA LUNCHES NEEDED FOR STUDENTS: YES _____ NO HOW MANY _____

CAFETERIA LUNCHES NEEDED FOR ADULTS: YES _____ NO HOW MANY _____

SIGNATURE OF TEACHER IN CHARGE [Signature]

TRIP AUTHORIZED BY SCHOOL BOARD YES _____ NO _____

SIGNATURE OF SUPERINTENDENT [Signature]

TIPTON ELEMENTARY SCHOOL DISTRICT

APPLICATION FOR USE OF SCHOOL FACILITIES
(Application must be filed in triplicate one week in advance of use.)

1. NAME OF SPONSORING ORGANIZATION Tipton Beautification Committee
2. PERSON RESPONSIBLE Irene Recendez³ Helen Ferrell
- ADDRESS _____ DATE OF APPLICATION 01/25/2016
- PHONE 752-4742-752-4653
3. ROOM OR FACILITIES DESIRED: DATE(S) community room Monthly TIME(S) 6:00 - 7:30 PM
We meet every third Monday of each month.
4. SERVICES REQUESTED ~~Community~~ Community meeting room
with light on³ doors open.
5. FACILITY TO BE USED FOR Monthly meeting

STATEMENT OF INFORMATION

"The undersigned states that, to the best of his knowledge, the school property for the use of which application is hereby made will not be used for the commission of any act which is prohibited by law, or for the commission of any crime, including, Penal Code, or Section 40056 Ed. Code. I certify (or declare) under penalty of perjury that the foregoing is true and correct."

I have read the reverse side in its entirety and agree to the conditions required for the use of the above facility.

SIGNED Irene Recendez APPLICANT Jan, 25, 2016 DATE

APPROVED

Certificate of Liability Insurance attached

RENTAL FEE _____

PRINCIPAL _____

DEPOSIT FEE _____

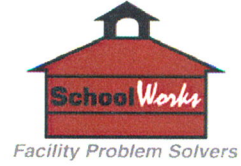
DIST. REP. _____

4. ADMINISTRATIVE: Action items:

4.1 Professional Services Agreement to Conduct Level 1 Developer Fee Study

SchoolWorks, Inc.

8331 Sierra College Blvd., #221
Roseville CA, 95661
Ph: 916.733.0402
www.SchoolWorksGIS.com



SchoolWorks, Inc. will contract to perform the tasks enumerated below for the prices indicated. Tipton Elementary School District is authorized to enter into this agreement by Government Code 53060. These services are chargeable to the District Capital Facility Funds.

| | | |
|------------------|--|---|
| Date: | Services Performed By: | Services Performed For: |
| January 19, 2016 | SchoolWorks, Inc. 8331 Sierra College Blvd., #221 Roseville CA, 95661 Ph: 916.733.0402 www.SchoolWorksGIS.com | <i>Tipton Elementary School District</i> 370 North Evans P.O. Box 787 Tipton, CA 93272 |

LEVEL 1 DEVELOPER FEE STUDY

Scope of Work

1. Developer Fee Study – Level 1:

Consultant shall prepare a Level 1 Developer Fee Study to justify the statutory fee rates for both residential and for commercial/industrial development. School Districts are authorized to collect these fees per Education Code Section 17620. The Study will include a sample Board Resolution to be adopted along with a sample Public Notice that needs to be published/posted at least fourteen (14) days prior to School Board approval.

The Level 1 Fees are adjusted every two years to account for the changes in the construction cost index. The next adjustment will be made on January 27, 2016.

| | 2014 Rates | 2016 Rates |
|-----------------------|------------|------------|
| Residential | \$3.36 | TBD |
| Commercial/Industrial | \$0.54 | TBD |

Pricing

| Item Description | Cost |
|-----------------------------|---------|
| Level 1 Developer Fee Study | \$2,000 |

If SchoolWorks' presence is requested at a School Board meeting, the district will be billed at \$140 per hour plus travel time and expenses.

Payment Schedule

The consulting fees cited above, will be billed upon completion of the project. The amount is due within thirty (30) days of the date of the invoice. A late fee of 5% of the invoice amount will be charged if the amount due is not paid within sixty days of the date of the invoice.

Conditions and Requirements

If the District does not qualify for a Level 1 Fee in excess of the statutory Level 1 Fee, a fifty percent (50%) discount will be given on the cost of the study.


District to Provide

- (1) Current CBEDS (2015-16) information
(broken down by school site and grade level)
- (2) Listing of developer fees collected over the past two (2) years. This should include the amount paid and the square footage for each permit
- (3) Latest audit report

Tipton Elementary School District

SchoolWorks, Inc.

Signature



Signature

Name

Ken Reynolds

Name

Title

President - SchoolWorks, Inc.

Title

Date

January 19, 2016

Date

5. **FINANCE:** Action items:

5.1 Vendor Payments (*Updated document will be available during the vendor payment presentation*)

5. FINANCE: Action items:

5.2 Budget Revisions

Budget Revision Report

Control Number: 12536650

| Account Classification | | Approved / Revised | Change Amount | Proposed Budget |
|---|---------------------------------|--------------------|-----------------------|-----------------|
| Fund: 0100 | General Fund | | | |
| Expenditures | | | | |
| | 010-07200-0-11100-10000-41000-0 | \$38,000.00 | (\$3,000.00) | \$35,000.00 |
| | 010-07200-0-11100-10000-42000-0 | \$0.00 | \$3,000.00 | \$3,000.00 |
| Books and Supplies | | \$38,000.00 | \$0.00 | \$38,000.00 |
| Total | Expenditures | \$38,000.00 | \$0.00 | \$38,000.00 |
| Budgeted Unappropriated Fund Balance before this adjustment: | | | \$2,280,927.96 | |
| Total Adjustment to Unappropriated Fund Balance: | | | \$0.00 | |
| Budgeted Unappropriated Fund Balance after this adjustment: | | | \$2,280,927.96 | |

Budget Revision Report

BGR030
anthonyh

1/25/2016
9:52:44AM

Control Number: 12536650

Account Classification

Approved / Revised

Change Amount

Proposed Budget

At a meeting of the school board on _____, the board approved the above budget account lines change to those amounts indicated in the proposed budget column.

Authorized by: _____

(County Office Use Only)

Updated at County Office on ___/___/___ by _____

7. Any Other Business

7.1 Quarterly Board Policy Updates – Informational

POLICY GUIDE SHEET
February 2016
Page 1 of 2

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

BP/AR 3270 - Sale and Disposal of Books, Equipment and Supplies

(BP/AR revised)

Policy updated to add Board roles in determining whether the value of the property is sufficient to warrant a sale and in approving the terms and conditions of the sale. Policy also reflects **NEW LAW** (SB 971, 2014) which eliminates the mandate to adopt rules for the identification of obsolete instructional materials. Policy provides optional criteria for such identification and clarifies the circumstances under which the sale or donation of obsolete or unusable instructional materials may be appropriate. Reorganized regulation reflects the repeal by SB 971 of requirements related to the use of the proceeds from the sale of instructional materials and adds section on "Equipment/Supplies Acquired with Federal Funds." Section on "Replacement of School Buses" deleted since **NEW LAW** (SB 78, 2015) repealed the conditions for the sale of school buses by districts receiving a state apportionment to replace the buses.

AR 3311 - Bids

(AR revised)

Regulation updated to reflect **NEW LAW** (AB 1581, 2014) which authorizes districts to set timelines for submittal and opening of bids and, for districts of 2,500 or more average daily attendance, extends prequalification procedures to any lease-leaseback agreement for a public project that involves an expenditure of \$1 million or more and meets other specified criteria. Regulation also references **NEW COURT DECISION** which ruled that, to be valid, a lease-leaseback agreement must contain a lease term and a financing component.

AR 3512 - Equipment

(AR revised)

Regulation updated to define "equipment," provide that district equipment shall be used primarily for educational purposes or other district operations, delete material on comparability of equipment which is also addressed in BP 6171 - Title I Programs, and clarify processes for transferring equipment between work sites. Regulation also adds material related to equipment inventories, the sale or disposal of equipment, and the purchase of equipment with federal funds.

AR 4112.23 - Special Education Staff

(AR revised)

Regulation updated to delete outdated section on "Teachers of Students with Autism" and to update the credentials and added authorizations available from the Commission on Teacher Credentialing which authorize instruction in special education and related services. Regulation also adds material related to the emergency permit for resource specialists, the provisional internship permit and short-term staff permit, credential waivers, qualifications of employees providing related services, professional development, and induction programs.

AR 4119.11/4219.11/4319.11 - Sexual Harassment

(AR revised)

Regulation updated to clarify that the AR is mandated pursuant to state law and to reflect **NEW LAW** (AB 2053, 2014) which adds prevention of abusive conduct to the contents of sexual harassment training required for supervisory employees. Regulation also reflects state law providing that the conduct need not be motivated by sexual desire in order to constitute sexual harassment. References to Title 2 regulations updated to reflect recent renumbering.

POLICY GUIDE SHEET

February 2016

Page 2 of 2

BP/AR 4154/4254/4354 - Health and Welfare Benefits

(BP/AR revised)

Policy and regulation updated to reflect the federal Patient Protection and Affordable Care Act, applicable to districts with 50 or more full-time employees. Policy includes information about the calculation of full-time employees for the purpose of determining the applicability of the Act and reflects requirements to provide an affordable health insurance plan which includes specified minimum coverage and pays at least 60 percent of the medical expenses covered under the plan. Policy also reflects **NEW LAW** (SB 1306, 2014) which defines "marriage" as a personal relationship arising out of a civil contract between two persons rather than a man and a woman. Regulation adds section on "Affordability of Health Coverage" which includes methods by which districts may determine that each employee's contribution for employee-only health coverage does not exceed 9.5 percent of his/her household income.

AR 5112.2 - Exclusions from Attendance

(AR revised)

Regulation updated to clarify the circumstances under which students must or may be denied admission or be temporarily excluded from school. Regulation reflects **NEW LAW** (SB 277, 2015) which eliminates the immunization exemption based on a parent/guardian's personal beliefs, except in cases where a parent/guardian submits a letter or written affidavit by January 1, 2016. Regulation also adds the period of time for which each exclusion is applicable.

BP/AR 5141.31 - Immunizations

(BP/AR revised)

Policy and regulation updated to reflect **NEW LAW** (SB 277, 2015) which limits the personal beliefs exemption to students whose parent/guardian submits a letter or written affidavit by January 1, 2016, in which case the exemption shall be effective only until the student enters the next grade span, as defined. Policy also deletes material related to conditional enrollment of transfer students while waiting for the transfer of immunization records, now addressed in AR. Regulation also reflects provisions of SB 277 which (1) require districts to ensure that students advancing to grade 7 are fully immunized against all specified diseases, (2) state that students with disabilities must be provided special education and related services regardless of their immunization status, and (3) exempt students from immunization requirements who are enrolled in an independent study program and who do not receive classroom-based instruction.

BP 6141.4 - International Baccalaureate Program

(BP added)

New policy addresses the philosophy and requirements of the International Baccalaureate (IB) program and is for use by districts that have received authorization from the International Baccalaureate Organization in Geneva, Switzerland to offer one or more IB programs at the elementary, middle, or high school level. Section on "IB Diploma Program or Career-related Program" reflects courses, examinations, and other requirements that high school students must complete to obtain the IB diploma and addresses the provision of fee assistance to low-income students taking IB examinations. Material on program evaluation includes optional indicators of program effectiveness and reflects **NEW LAW** (SB 416, 2015) which repeals requirements to submit certain reports to the California Department of Education.

BP 6190 - Evaluation of the Instructional Program

(BP revised)

Policy updated to reflect the suspension of the state Academic Performance Index and **NEW LAW** (AB 104, 2015) which adds homeless students to the definition of numerically significant student subgroups whose progress toward district goals must be annually assessed. Policy also updates section on Federal Program Monitoring (FPM) to reflect new state tools for monitoring categorical programs, and actions needed if the FPM review results in a finding of noncompliance.

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

The Governing Board recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the district.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Instructional materials shall be considered obsolete or unusable by the district if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the district's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the district. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

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

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

The Superintendent or designee shall establish procedures to be used whenever the district sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (34 CFR 80.32)

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

35168 *Inventory, including record of time and mode of disposal*

60510-60530 *Sale, donation, or disposal of instructional materials*

GOVERNMENT CODE

25505 *District property; disposition; proceeds*

CODE OF REGULATIONS, TITLE 5

3944 *Consolidated categorical programs, district title to equipment*

3946 *Disposal of equipment purchased with state and federal consolidated application funds*

UNITED STATES CODE, TITLE 40

549 *Surplus property*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32-80.33 *Equipment and supplies acquired under a grant or subgrant*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district. Alternatively, such materials may be donated to: (Education Code 60510)

1. Another district, county free library, or other state institution
2. A United States public agency or institution
3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

(cf. 0440 - District Technology Plan)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Governing Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above. Representatives of those entities and members of the public also shall be notified of the opportunity to address the Board regarding the distribution of these materials.

(cf. 9323 - Meeting Conduct)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

(cf. 3510 - Green School Operations)
(cf. 3511.1 - Integrated Waste Management)

Equipment/Supplies Acquired with Federal Funds

When the district has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (34 CFR 80.32)

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally supported activities, the district may retain or sell such items or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the Board. Whenever the district sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (34 CFR 80.32-80.33)

In the event that the district is provided equipment that is federally owned, the district shall request disposition instructions from the federal agency when it no longer needs the equipment. (34 CFR 80.32)

Other Personal Property

The district may sell other surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. (Education Code 17545)

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

3. The district may sell the property without advertising for bids under any of the following conditions:

- a. The Board members in attendance at a meeting have unanimously determined that the property does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

- b. The district sells the property to agencies of the federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)

- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

(cf. 3100 - Budget)

BIDS

Advertised/Competitive Bids

The district shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000 or more. *Public project* means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The district shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. *Maintenance* includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

(cf. 1113 - District and School Web Sites)

BIDS (continued)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

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

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

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the district

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

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #6a below shall be used. (Public Contract Code 20103.8)

BIDS (continued)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

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

7. The district shall consider only responsive bids from responsible bidders in determining the lowest bid.
8. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
9. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

10. When a bid is disqualified as nonresponsive based on district investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized proposal form which, when completed, shall indicate a bidder's statement of financial ability

BIDS (continued)

and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Education Code 17406, 17407; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in the Business and Professions Code 4113, 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The district shall award each contract to the lowest responsible bidder except in the following circumstances:

BIDS (continued)

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

(cf. 9270 - Conflict of Interest)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

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

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus.

BIDS (continued)

Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

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

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

BIDS (continued)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

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

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

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

(cf. 9323.2 - Actions by the Board)

BIDS (continued)**Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)

(cf. 3512 - Equipment)

In addition, upon a determination that it is in the best interest of the district and without advertising for bids, the Board may lease currently owned district property to any person, firm, or corporation for a minimum of \$1 per year, as long as the lease requires the person, firm, or corporation to construct a building or buildings on the property for the district's use during the lease and the property and building(s) will vest in the district at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Any lease-leaseback agreement shall include a lease term that specifies the district's occupancy of the building or improved property and a financing component as may be determined on a case-by-case basis.

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

BIDS (continued)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

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

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

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

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

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

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

EQUIPMENT

District equipment shall be used primarily for educational purposes and/or to conduct district business. The Superintendent or designee shall ensure that all employees, students, and other users understand the appropriate use of district equipment and that any misuse may be cause for disciplinary action or loss of user privilege.

(cf. 0440 - District Technology Plan)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3540 - Transportation)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5142 - Safety)
(cf. 5144 - Discipline)
(cf. 6000 - Concepts and Roles)
(cf. 6163.4 - Student Use of Technology)
(cf. 6171 - Title I Programs)

School-connected organizations may be granted reasonable use of the equipment for school-related matters as long as it does not interfere with the use by students or employees or otherwise disrupt district operations.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

The Superintendent or designee shall approve the transfer of any district equipment from one work site to another and the removal of any district equipment for off-site use. When any equipment is taken off site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Employees transferred to another work site shall take with them only those personal items that have been purchased with their own funds unless otherwise authorized by the Superintendent or designee or applicable Board policy.

The Superintendent or designee shall maintain an inventory of all equipment currently valued in excess of \$500. (Education Code 35168; 5 CCR 3946)

(cf. 3440 - Inventories)

When equipment is unusable or is no longer needed, it may be sold, donated, or disposed of in accordance with Education Code 17540-17555 or 34 CFR 80.32, as applicable.

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

EQUIPMENT (continued)

Equipment Acquired with Federal Funds

The Superintendent or designee shall obtain prior written approval from the California Department of Education or other awarding agency before purchasing equipment with federal funds.

(cf. 3300 - Expenditures and Purchases)

All equipment purchased for federal programs funded through the consolidated application pursuant to Education Code 64000-64001 shall be labeled with the name of the project, identification number, and name of the district. (5 CCR 3946)

For any equipment acquired in whole or in part with federal funds, the Superintendent or designee shall develop adequate maintenance procedures to keep the property in good condition. He/she shall also develop adequate safeguards to prevent loss, damage, or theft of the property and shall investigate any loss, damage, or theft. (34 CFR 80.32)

(cf. 3530 - Risk Management/Insurance)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when such use does not interfere with the work on the project or program for which it was originally acquired or when use of the equipment is no longer needed for the original program. (34 CFR 80.32)

Legal Reference: (see next page)

EQUIPMENT (continued)

Legal Reference:

EDUCATION CODE

17540-17542 *Sale or lease of personal property by one district to another*

17545-17555 *Sale of personal property*

17605 *Delegation of authority to purchase supplies and equipment*

35160 *Authority of governing boards*

35168 *Inventory of equipment*

64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

3946 *Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds*

4424 *Comparability of services*

16023 *Class 1 - Permanent records*

UNITED STATES CODE, TITLE 20

6321 *Fiscal requirements*

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1-80.52 *Uniform administration requirements for grants to state and local governments*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS

Cost Principles for State, Local, and Indian Tribal Governments, OMB Circular A-87

WEB SITES

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

Office of Management and Budget: <https://www.whitehouse.gov/omb>

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 issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

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

(cf. 6164.6 - Identification and Education Under Section 504)

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 district may employ a person with an appropriate district intern 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 intern program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. 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 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

SPECIAL EDUCATION STAFF (continued)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

(cf. 4131.1 - Teacher Support and Guidance)

Resource Specialists

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians

SPECIAL EDUCATION STAFF (continued)

5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

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.

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 Governing 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)

SPECIAL EDUCATION STAFF (continued)

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

*Legal Reference:*EDUCATION CODE8264.8 *Staffing ratios*44250-44279 *Credentials, especially:*44256 *Credential types, specialist instruction*44258.9 *Assignment monitoring*44265-44265.9 *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*56440-56441.7 *Programs for individuals between the ages of three and five years; caseloads*CODE OF REGULATIONS, TITLE 53051.1-3051.24 *Staff qualifications to provide related services to students with disabilities*3100 *Waivers of maximum caseload for resource specialists*6100-6126 *Teacher qualifications, No Child Left Behind Act*80021 *Short-term staff permit*80021.1 *Provisional internship permit*80023.2 *Emergency permits*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*80048-80048.9.4 *Credential requirements and authorizations*80070.1-80070.6 *Resource specialists*UNITED STATES CODE, TITLE 201400-1482 *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 34200.55-200.57 *Highly qualified teachers*300.8 *Definition of autism*300.18 *Highly qualified special education teachers*300.34 *Related services*300.156 *Special education personnel requirements*

Management Resources: (see next page)

SPECIAL EDUCATION STAFF (continued)

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, May 26, 2014

Education Specialist Teaching and Other Related Services Credential Program Standards, 2012

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>

National Association of Special Education Teachers: <http://www.naset.org>

All Personnel

AR 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

SEXUAL HARASSMENT (continued)

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. Such training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action.

The district's sexual harassment training and education program for supervisory employees shall include the provision of: (Government Code 12950.1; 2 CCR 11023)

1. Information and practical guidance regarding federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment
2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation
3. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
4. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
5. All other contents of mandated training specified in 2 CCR 11023

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

AR 4119.11(d)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

All Personnel

BP 4154(a)
4254
4354

HEALTH AND WELFARE BENEFITS

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4151/4251/4351 - Employee Compensation)

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

(cf. 4300 - Administrative and Supervisory Personnel)

OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

(cf. 4121 - Temporary/Substitute Personnel)

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

HEALTH AND WELFARE BENEFITS (continued)

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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

Legal Reference: (see next page)

HEALTH AND WELFARE BENEFITS (continued)

Legal Reference:

EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

17566 Self-insurance fund

35208 Liability insurance

35214 Liability insurance (self-insurance)

44041-44042 Payroll deductions for collection of premiums

44986 Leave of absence, state disability benefits

45136 Benefits for classified employees

CIVIL CODE

56.10-56.16 Disclosure of information by medical providers

56.20-56.245 Use and disclosure of medical information by employers

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

GOVERNMENT CODE

12940 Discrimination in employment

22750-22944 Public Employees' Medical and Hospital Care Act

53200-53210 Group insurance

HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

1367.08 Disclosure of fees and commissions paid related to health care service plan

1373 Health services plan, coverage for dependent children who are full-time students

1373.621 Continuation coverage, age 60 or older after five years with district

1374.58 Coverage for registered domestic partners, health service plans and health insurers

INSURANCE CODE

10116.5 Continuation coverage, age 60 or older after five years with district

10128.50-10128.59 Cal-COBRA program, disability insurance

10277-10278 Group and individual health insurance, coverage for dependent children

10604.5 Annual disclosure of fees and commissions paid

12670-12692.5 Conversion coverage

LABOR CODE

2800.2 Notification of conversion and continuation coverage

4856 Health benefits for spouse of peace officer killed in performance of duties

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

UNITED STATES CODE, TITLE 1

7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 26

105 Self-insured medical reimbursement plan; definition of highly compensated individual

4980B COBRA continuation coverage

4980H Penalty for noncompliance with employer-provided health care requirements

5000A Minimum essential coverage

6056 Report of health coverage provided to employees

UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

HEALTH AND WELFARE BENEFITS (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 42

300gg-300gg95 *Patient Protection and Affordable Care Act, especially:*

300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals*

1395-1395g *Medicare benefits*

CODE OF FEDERAL REGULATIONS, TITLE 26

54.4980B-1-54.4980B-10 *COBRA continuation coverage*

54.4980H-1-54.4980H-6 *Patient Protection and Affordable Care Act*

1.105-11 *Self-insured medical reimbursement plan*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 *Health Insurance Portability and Accountability Act (HIPAA)*

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Health Policy: Implications of Covered California for School Boards, Districts and Personnel,

Governance Brief, January 2013

INTERNAL REVENUE SERVICE NOTICES

2011-1 *Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans*

U.S. DEPARTMENT OF TREASURY PUBLICATIONS

Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015

WEB SITES

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

California Employment Development Department: <http://www.edd.ca.gov>

Internal Revenue Service: <http://www.irs.gov>

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services:
<http://www.cms.gov>

U.S. Department of Labor: <http://www.dol.gov>

All Personnel

AR 4154(a)

4254

HEALTH AND WELFARE BENEFITS

4354

Affordability of Health Coverage

The Superintendent or designee shall seek written assurance from the district's health insurance carrier(s) that the health plan offered to full-time district employees and their dependents meets all requirements of the federal Patient Protection and Affordable Care Act. (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6)

The Superintendent or designee also shall ensure that each employee's contribution to the employee-only health coverage does not exceed 9.5 percent of his/her modified household income, as defined in 26 USC 5000A. The Superintendent or designee shall calculate the affordability of the coverage using one or more of the following methods in a uniform and consistent basis for all employees within the same category: (26 USC 4980H; 26 CFR 54.4980H-4-54.4980H-5)

1. The district shall ensure that the lowest cost employee-only coverage does not exceed 9.5 percent of wages paid to the employee by the district for the calendar year as reported on the employee's W-2 tax form. For an employee not offered coverage for an entire calendar year, the wages shall be adjusted to reflect the period for which coverage was offered.
2. The district shall ensure that the employee's required monthly contribution for the lowest cost employee-only coverage does not exceed 9.5 percent of an amount equal to 130 hours multiplied by the employee's hourly rate of pay on the first day of the plan year or his/her lowest hourly pay during the calendar month, whichever is lower.
3. The district shall ensure that the employee's contribution does not exceed 9.5 percent of a monthly amount determined as the federal poverty line for a single individual for the applicable calendar year, divided by 12.

Retired Certificated Employees

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district under any public retirement system or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. If he/she does not enroll during this initial enrollment period, he/she may be denied further opportunity to do so. (Education Code 7000)

HEALTH AND WELFARE BENEFITS (continued)

COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

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

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

3. Divorce or legal separation of the covered employee
4. The covered employee becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

OPTION 1: (Districts with 20 or more employees)

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6; Health and Safety Code 1373.621; Insurance Code 10116.5)

OPTION 2: (Districts with 2-19 employees)

The Superintendent or designee shall provide written notification to the health care service plan administrator of a qualifying event listed in item #2 above, within 30 days of the event.

HEALTH AND WELFARE BENEFITS (continued)

A covered employee or qualified beneficiary shall provide written notification to the health care service plan administrator regarding any other qualifying event listed above within 60 days of the event or of the date that the covered employee or qualified beneficiary was notified of the ability to continue coverage, whichever is later. (Health and Safety Code 1366.24, 1366.25; Insurance Code 10128.54, 10128.55)

Continuation coverage shall be terminated in accordance with the district's insurance plan and state law. (Health and Safety Code 1366.22, 1366.27, 1373.621; Insurance Code 10116.5, 10128.52, 10128.57)

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

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

Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

When disabled by an injury sustained from a violent act while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

EXCLUSIONS FROM ATTENDANCE

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

- (cf. 5111 - Admission)*
- (cf. 5111.1 - District Residency)*
- (cf. 5116 - Intradistrict Open Enrollment)*
- (cf. 5117 - Interdistrict Attendance)*
- (cf. 5125 - Student Records)*
- (cf. 5141.3 - Health Examinations)*

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 - Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

- (cf. 5141.31 - Immunizations)*
- (cf. 5141.22 - Infectious Diseases)*

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

- (cf. 5141.26 - Tuberculosis Testing)*

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)

EXCLUSIONS FROM ATTENDANCE (continued)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)
2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Health Screening for School Entry)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

(cf. 5145.6 - Parental Notifications)

EXCLUSIONS FROM ATTENDANCE (continued)

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

*Legal Reference:*EDUCATION CODE48210-48216 *Persons excluded*49076 *Access to records by persons without written consent or under judicial order*49408 *Information of use in emergencies*49451 *Parent's refusal to consent*HEALTH AND SAFETY CODE120230 *Exclusion of persons from school*120325-120380 *Educational and child care facility immunization requirements*121475-121520 *Tuberculosis tests for students*124025-124110 *Child Health and Disability Prevention Program*CODE OF REGULATIONS, TITLE 5202 *Exclusion of students with a contagious disease*CODE OF REGULATIONS, TITLE 176055 *Exclusion for failure to obtain required immunizations**Management Resources:*CSBA PUBLICATIONSRecent Legislation on Vaccines: SB 277, Fact Sheet, August 2015WEB SITESCSBA: <http://www.csba.org>

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/immunize>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board shall cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 6142.8 - Comprehensive Health Education)

Each student enrolling for the first time in a district elementary or secondary school, preschool, or child care and development program or, after July 1, 2016, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Each transfer student shall be requested to present his/her immunization record, if possible, upon registration at a district school.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

IMMUNIZATIONS (continued)

Legal Reference:

EDUCATION CODE

- 44871 *Qualifications of supervisor of health*
- 46010 *Total days of attendance*
- 48216 *Immunization*
- 48853.5 *Immediate enrollment of foster youth*
- 48980 *Required notification of rights*
- 49403 *Cooperation in control of communicable disease and immunizations*
- 49426 *Duties of school nurses*
- 49701 *Flexibility in enrollment of children of military families*
- 51745-51749.6 *Independent study*

HEALTH AND SAFETY CODE

- 120325-120380 *Immunization against communicable disease, especially:*
- 120335 *Immunization requirement for admission*
- 120395 *Information about meningococcal disease, including recommendation for vaccination*
- 120440 *Disclosure of immunization information*

CODE OF REGULATIONS, TITLE 5

- 430 *Student records*

CODE OF REGULATIONS, TITLE 17

- 6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 20

- 1232g *Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 42

- 11432 *Immediate enrollment of homeless children*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 *Family Educational Rights and Privacy*

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

California Immunization Handbook for Child Care Programs and Schools, August 2015

Guide to Immunizations Required for Child Care

Guide to Immunizations Required for School Entry

Parents' Guide to Immunizations Required for Child Care

Parents' Guide to Immunizations Required for School Entry

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEB SITES

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

California Department of Public Health, Immunization Branch:

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

California Department of Public Health, Shots for Schools: <http://shotsforschools.org>

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

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

IMMUNIZATIONS

Required Immunizations

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program for the first time nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6020)

1. Measles, mumps, and rubella (MMR)
2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

IMMUNIZATIONS (continued)

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday. (17 CCR 6070)

Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)
2. The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

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

When a student transfers to a different school within the district or transfers into the district from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

(cf. 6158 - Independent Study)

IMMUNIZATIONS (continued)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.
2. The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that he/she is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

IMMUNIZATIONS (continued)

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

Records

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

IMMUNIZATIONS (continued)

Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

INTERNATIONAL BACCALAUREATE PROGRAM

To encourage district students to challenge themselves academically, develop intercultural understanding and respect, and be more competitive when applying for admission to postsecondary institutions, the district shall offer opportunities for students to participate in the International Baccalaureate (IB) program. The Superintendent or designee shall provide a challenging, cross-disciplinary curriculum that provides the knowledge, concepts, skills, attitudes, and action that district students need to equip them for successful lives. The district's IB program shall provide structured, purposeful inquiry that engages students in their own learning.

(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6143 - Courses of Study)

The Superintendent or designee shall ensure that district students of all ability levels are offered the opportunity to participate in the program if it is available at their school.

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

The Superintendent or designee shall ensure that teachers and administrators are engaged in the planning process for the IB program to construct a rigorous and challenging curriculum. He/she shall coordinate implementation of the IB program with any other advanced learning opportunities offered by the district.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)
(cf. 6181 - Alternative Schools/Programs of Choice)

The Superintendent or designee shall provide staff development and support to teachers of IB courses. Such professional development may include, but is not limited to, mentoring for prospective teachers of IB courses, opportunities for teachers to obtain information on the curriculum of specific courses through online workshops, webinars, blended learning and e-learning resources, and opportunities for district staff to share course syllabi and teaching practices.

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4113 - Assignment)
(cf. 4131 - Staff Development)

IB Diploma Program or IB Career-related Program

The district's IB Diploma Program shall offer a comprehensive, rigorous two-year program for students. To earn the IB diploma, students shall:

1. Complete a specific, intensive, balanced liberal arts course of study

INTERNATIONAL BACCALAUREATE PROGRAM (continued)

2. Pass examinations in six curricular areas, including language and literature, language acquisition, individuals and societies, sciences, mathematics, and the arts
3. Demonstrate an understanding of the theory of knowledge through an oral presentation and extended essay on an externally assessed, independent research project
4. Demonstrate creativity, action, and service through involvement in a minimum of 150 hours of artistic activities, physical activities, and community service

(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)

The district shall offer a two-year, rigorous IB Career-related Program to high school students pursuing vocational or career and technical education (CTE). Students participating in the IB Career-related Program shall take a minimum of two IB courses and meet other diploma-level requirements, including performing community service and completing a final project related to their vocational or CTE field.

(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)

As necessary, the Superintendent or designee may adjust the number of courses taken and hours of community service performed by students depending on the IB program in which they are participating.

The Superintendent or designee shall develop support systems to encourage students to participate in IB courses and take IB course examinations. Support systems may include, but are not limited to, resource centers, programs to recognize student accomplishments, and parent involvement through an IB parent organization group. In addition, the Superintendent or designee may explore partnerships with colleges and universities to encourage students to pursue postsecondary education.

(cf. 5126 - Awards for Achievement)
(cf. 6164.2 - Guidance/Counseling Services)

To the extent feasible, the district shall reduce the cost of IB examination fees for eligible low-income students. The Superintendent or designee shall notify parents/guardians of the availability of funds for this purpose and shall provide information on how students may apply for funding.

INTERNATIONAL BACCALAUREATE PROGRAM (continued)

The Superintendent or designee shall annually apply to the California Department of Education for federal funds to support the reimbursement of fees for low-income students. In addition, the Superintendent or designee may recommend the use of district funds, when available and appropriate, to provide additional support for the fee assistance program.

(cf. 3100 - Budget)

(cf. 3260 - Fees and Charges)

The Superintendent or designee shall regularly report to the Board regarding the number of students participating in the IB program and, as applicable, the percentage of participating students who pass the IB examination in each curricular area. Such reports shall include the participation and outcomes of numerically significant student subgroups as defined in Education Code 52052.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

52920-52922 International Baccalaureate Diploma program

CODE OF REGULATIONS, TITLE 5

3840 Advanced Placement as program option for gifted and talented students

UNITED STATES CODE, TITLE 20

6534 Advanced Placement exam fee program

Management Resources:

WEB SITES

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

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

College Board: <http://www.collegeboard.org/ap>

Great Schools: www.greatschools.org

International Baccalaureate: <http://www.ibo.org>

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

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Governing Board recognizes that it is accountable to students, parents/guardians, and the community for the effectiveness of the district's educational program in meeting district goals for student learning. The Superintendent or designee shall conduct a continual evaluation of the curriculum and the instructional program in order to improve student achievement.

(cf. 0200 - Goals for the School District)
(cf. 0500 - Accountability)
(cf. 6000 - Concepts and Roles)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee shall provide the Board and the community with regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. In addition, he/she shall evaluate and report data for each district school and for every numerically significant student subgroup, as defined in Education Code 52052, including, but not limited to, school and subgroup performance on statewide achievement indicators and progress toward goals specified in the district's local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6162.52 - High School Exit Examination)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

Based on these reports, the Board shall take appropriate actions to maintain the effectiveness of programs and to improve the quality of education that district students receive.

Annual Monitoring of Consolidated Application Programs

The Board and the Superintendent or designee shall annually determine whether the district's categorical programs funded through the state's consolidated application are effective in meeting the needs of the students they are intended to serve. As a basis for this evaluation, the Superintendent or designee shall recommend for Board approval the specific, measurable criteria that shall be used at each school and at the district level. These criteria may include, but are not necessarily limited to, the progress of all students and of each numerically significant subgroup toward goals contained in the district's LCAP, the school's single plan for student achievement, Title I local educational agency plan, and/or other applicable district or school plans.

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

Federal Program Monitoring

To ensure that the district's categorical programs comply with applicable legal requirements, the Superintendent or designee shall, on an ongoing basis, conduct a district self-evaluation which may utilize tools developed by the district or the California Department of Education (CDE).

When the district is selected by the CDE for a Federal Program Monitoring (FPM) compliance review, the Superintendent or designee shall gather and submit all documentation and data required for the review and shall cooperate with CDE staff to facilitate program monitoring.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4131 - Staff Development)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5148 - Child Care and Development Programs)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6020 - Parent Involvement)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6171 - Title I Programs)
(cf. 6173 - Education for Homeless Children)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6200 - Adult Education)

In the event that the FPM review results in a finding of noncompliance in relation to any program, the Superintendent or designee shall submit a proposed resolution to the CDE within 45 days of the date the district was notified of the finding. The resolution shall be implemented in accordance with the terms and timeframe specified in the resolution agreement with the CDE.

The Superintendent or designee shall report to the Board regarding the results of the review process.

Western Association of Schools and Colleges (WASC) Accreditation

The Board believes that accreditation by the Western Association of Schools and Colleges (WASC) can foster excellence and ongoing academic improvement in the district's schools. The results of the accreditation process also may demonstrate to parents/guardians and the

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

The Superintendent or designee shall undertake procedures whereby district schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of district schools and any WASC recommendations for school improvement.

The results of any inspection of a school by WASC, or any other the accrediting agency, shall be published not later than 60 days after the results are made available to the school.

Publication shall be by notifying each parent/guardian in writing and/or by posting the information on the district's or school's web site, as determined by the Superintendent or designee. (Education Code 35178.4)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

If any district school loses its accreditation status, the Board shall give official notice at a regularly scheduled Board meeting. The Superintendent or designee shall provide written notification to each parent/guardian of a student in the school that the school has lost its accreditation status, including the potential consequences of the loss of accreditation status. This notice shall also be posted on the district's web site and the school's web site. (Education Code 35178.4)

Legal Reference: (see next page)

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

Legal Reference:

EDUCATION CODE

33400-33407 Educational evaluations

35178.4 Notice of accreditation status

44662 Evaluation and assessment guidelines, certificated employee performance

48985 Compliance with translation of parental notifications

51041 Education program, evaluation and revisions

51226 Model curriculum standards

52052-52052.1 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FPM Frequently Asked Questions

Federal Program Monitoring Instruments

WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES PUBLICATIONS

Focus on Learning Joint WASC/CDE Process Guide, 2014

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

Western Association of Schools and Colleges (WASC), Accrediting Commission for Schools:
<http://www.acswasc.org>

7. Any Other Business

7.2 Public Hearing on the Educator Effectiveness Plan



TIPTON ELEMENTARY SCHOOL DISTRICT



Educator Effectiveness Plan

The Tipton Elementary School District Educator Effectiveness Plan is a three tiered approach developed through the examination of data and school wide collaboration for improving the quality of teaching and learning in accordance with the California State Standards as well as the California Standards for the Teaching Profession.

- **Beginning Teacher Support:** Participation in programs that support a new teacher's ability to teach and to meet induction requirements adopted by the Commission on Teacher Credentialing.
- **Professional Development in ELA:** Professional development for teachers and administrators that is aligned to the state content standards, specifically in the areas of guided reading, reading assessment (DRA) and the writing workshop.
- **Professional Development in Math:** Professional development for teachers and administrators that is aligned to the state content standards. To provide support for grade level teams in areas of weakness or concern as determined by assessment data and collaboration.

**Tipton Elementary School District
Educator Effectiveness Plan
For Program Expenditures Between July 1, 2015 and June 30, 2018**

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|--|--|--------------------|--------------------------|-----------------------------|--------------------|
| Beginning teacher and administrator support and mentoring, including, but not limited to, programs that support new teacher and administrator ability to teach or lead effectively and to meet induction requirements adopted by the Commission on Teacher Credentialing and pursuant to Section 44259 of the California <i>Education Code</i> | California Standards for the Teaching Profession | 1.00 | | N/A | \$ 4,000.00 |
| Of these expenditures, how much was spent on induction programs? | N/A | N/A | N/A | N/A | \$ 4,000.00 |

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|---|-------------------|--------------------|--------------------------|-----------------------------|--------------------|
| Professional development, coaching, and support services for teachers who have been identified as needing improvement or additional support | N/A | | | N/A | \$ - |

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|---|-----------------------------------|--------------------|--------------------------|-----------------------------|--------------------|
| Professional development for teachers and administrators that is aligned to the state content standards adopted pursuant to Sections 51226, 60605, 60605.1, 60605.2, 60605.3, 60605.8, 60605.11, 60605.85, as that section read on June 30, 2014, and 60811.3, as that section read on June 30, 2013, of the California <i>Education Code</i> | N/A | N/A | N/A | N/A | \$ - |
| | Mathematics | 23.00 | 3.00 | 3 | 10,621 |
| | English language arts/development | 23.00 | 3.00 | 9 | 30,000 |
| | Science | | | N/A | N/A |
| | History/social sciences | | | N/A | N/A |
| | Visual/performing arts | | | N/A | N/A |
| | Career technical | | | N/A | N/A |
| | World language | | | N/A | N/A |
| Physical education | | | N/A | N/A | |

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|--|-------------------|--------------------|--------------------------|-----------------------------|--------------------|
| Activities to promote educator quality and effectiveness including, but not limited to, training on mentoring and coaching certificated staff and training certificated staff to support effective teaching and learning | N/A | | | | |

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|---|-------------------|--------------------|--------------------------|-----------------------------|--------------------|
| Indirect Cost allocated for administrative support to promote educator quality and effectiveness. | N/A | N/A | N/A | N/A | \$ 3,774.00 |

| Activity | Content Standards | Number of Teachers | Number of Administrators | Number of Paraprofessionals | Total Expenditures |
|-----------------------------------|-------------------|--------------------|--------------------------|-----------------------------|--------------------|
| | | | | | Balance |
| Total Expenditures | | | | | \$ 48,395.00 |
| Total Budget | | | | | \$ 48,395.00 |
| Available Funds (must equal zero) | | | | | \$ - |

Note: N/A is used in areas where an item would not be applicable for a particular activity/category. LEAs should not be tracking expenditures, number of teachers, etc. in subject areas marked N/A.