

ORCUTT UNION SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
Wednesday, February 13, 2013
Closed Session – 6:45 P.M.
Public Session – 7:15 P.M.
District Office Board Room
500 Dyer Street, Orcutt, CA 93455

CALL TO ORDER 6:45 P.M.

PUBLIC COMMENT ANNOUNCEMENT

The Board of Trustees welcomes comments about items appearing or not appearing on tonight's agenda. The audience members wishing to address the Board during the Public Comment segment of the agenda are reminded to fill out a Public Comment Form from the Superintendent's secretary and submit it prior to the time the presiding officer calls for Public Comment.

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

CLOSED SESSION PUBLIC COMMENTS

This section of the agenda is intended for members of the public to address the Board of Trustees on items that are being considered in Closed Session.

ADJOURN TO CLOSED SESSION

Adjourn to Closed Session for the purpose of discussing matters expressly authorized by Government Code Section 3549.1, 54956.95, 54957, and 54957.6.

1. Public Employment per Personnel Report.
2. Public Employee Employment/Discipline/Dismissal/Release.
3. Conference with labor negotiator Robert Bush, Superintendent and/or Don Nicholson.
 - a. OEA
 - b. CSEA
4. Conference with labor negotiators for unrepresented employees:
 - a. Certificated and Classified Management, and Confidential.
Agency representative – Superintendent.
 - b. Superintendent. Agency representative – Board of Trustees
5. Student disciplinary/expulsion matters.

RECONVENE TO PUBLIC SESSION 7:15 P.M.

- A. Pledge of Allegiance
- B. Public Report on Action Taken in Closed Session
- C. Superintendent's Report
An opportunity for the Superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities such as curriculum/instructional updates, timely events/information, and district activities.
 1. Retiree Recognition
 2. School Report – Liz Herbstreith, Ralph Dunlap Principal
 3. OUSD History Research (1927-1936) by Jerry Kirkland
 4. Keysite 17 Update – Marysia Ochej
 5. Governor's State Budget Proposal for 2013-2014
 6. Mid-Year Meeting to Review 2012-2013 Board Goals (set a date)

D. Public Comment

An opportunity for the public to provide input to the Board of Trustees. Those wishing to speak about a specific agenda item may do so during the Public Comment segment or when the item is being considered. Any request to speak must be submitted on a **Request for Public Comment Form** which can be obtained from the Superintendent's secretary and submitted prior to the presiding officer addressing the item. If you choose to speak when an item is before the Board, your name will be called prior to board consideration. An item not on the agenda must be addressed during the Public Comment segment of the agenda.

E. Written Communication

Documents addressed to or by board members as communications during a Board of Education meeting are defined as letters from parents or community members regarding issues within the jurisdiction of authority of the Board of Education; information or reports from professional organizations, i.e., CSBA, SBCSBA, etc.; letters or reports from other public agencies; letters or reports from legislators; or letters or reports from district schools or staff.

1. Tobacco-Free School Certification

F. Public Hearing - None

CONSENT AGENDA ITEMS

Actions proposed for Consent Agenda (block vote) items are consistent with approved practices of the district and are deemed routine in nature. Since trustees receive board agenda backup information in advance of scheduled meetings, they are prepared to vote with knowledge on the block vote items. Consent Agenda items are voted on at one time, although any such item can be considered separately at a board member's request.

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of Warrants
- D. Minutes, Regular Meeting of January 9, 2013
- E. Interdistrict Attendance Agreement Requests 2012/2013

It is recommended that the Board of Trustees approve Consent Agenda Items A through E, as submitted.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR ACTION

A. GENERAL

1. Acceptance of Gifts

Ralph Dunlap School received a donation of \$470 from Hollister Ranch to cover tide pool field trip expenses. Joe Nightingale School received a donation of \$200 from S. Joel Fuller for field trip expenses for Room 4.

It is recommended that the Board of Trustees accept the gifts and direct that a letter of acceptance and appreciation to Hollister Ranch and S. Joel Fuller.

Moved _____ Second _____ Vote _____

2. Lakeview Jr. High 8th Grade Honors Trip

Staff requests that the Board of Trustees approve the Lakeview Jr. High 8th Grade Honors trip to Los Angeles, CA. on March 13-15, 2013.

Moved _____ Second _____ Vote _____

3. CSBA Delegate

The Board of Trustees will be asked to submit a ballot for a 2013 CSBA Delegate Assembly Subregion 11-A candidate.

Moved _____ Second _____ Vote _____

4. Board Bylaw 9012, Board Member Electronic Communication

Staff recommends that the Board of Trustees approve Board Bylaw 9012, Board Member Electronic Communication for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

5. Board Bylaw 9321, Closed Session Purposes and Agendas

Staff recommends that the Board of Trustees approve Board Bylaw 9321, Closed Session Purposes and Agendas for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

6. Board Bylaw 9321.1, Closed Session Actions and Reports

Staff recommends that the Board of Trustees approve Board Bylaw 9321.1, Closed Session Actions and Reports for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

7. Board Bylaw 9322, Agenda/Meeting Materials

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

Moved _____ Second _____ Vote _____

8. Board Bylaw 9323.2, Actions by the Board

Staff recommends that the Board of Trustees approve Board Bylaw 9323.2, Actions by the Board for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

B. CURRICULUM

1. Board Policy 5145.6, Parental Notifications

Staff recommends that the Board of Trustees approve Board Policy 5145.6, Parental Notifications for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

2. Board Policy 6161.1, Selection and Evaluation of Instructional Materials

Staff recommends that the Board of Trustees approve Board Policy 6161.1, Selection and Evaluation of Instructional Materials for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

3. Board Policy 6161.11, Supplementary Instructional Materials

Staff recommends that the Board of Trustees approve Board Policy 6161.11, Supplementary Instructional Materials for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

4. Board Policy 6174, Education for English Language Learners

Staff recommends that the Board of Trustees approve Board Policy 6174, Education for English Language Learners for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

1. Board Financial Report
2. OCAF
3. Items from the Board

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next Regular Board Meeting is scheduled for Wednesday, March 13, 2013, beginning with Closed Session beginning at 6:45 p.m., Public Session at 7:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA. A special Curriculum Board Meeting is scheduled for Wednesday, February 27, 2013 beginning with Public Session at 6:00 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA.

ADJOURN

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Superintendent's Office at (805) 938-8907. Notification 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to this meeting.

All documents related to the open session agenda are available for review 72 hours prior to the meeting at the Orcutt Union School District Office, 500 Dyer Street, Orcutt, CA.

Classified Personnel Action Report
February 13, 2013

TO: Bob Bush
Superintendent

SUBMITTED BY: Jan Yanagisako
Assistant Superintendent, Human Resources *Jan Y.*

SUBJECT: RECOMMENDATIONS FOR APPROVAL AND RATIFICATION

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
Ralph Dunlap	Noon Duty Supervisor	6/3		\$11.80/hr	01/28/13	Regular Assignment
Transportation	Driver			\$150/mo	02/01/13	Longevity-15 years
Technology	Technology Information Specialist	36/3	8.00	\$4306/mo	02/04/13	Permanent/Probationary
MOT	Utility Worker			\$12.36/hr	02/04/13	Substitute
Campus Connection	Accounting Clerk, Child Care			\$175/mo	01/01/13	Additional Professional Growth Increment (5 total)
Alice Shaw/Orcutt Jr. High	Inst Assistant I	12/6	6.00	\$15.85/hr	02/01/13-06/14/13	Request Unpaid Leave of Absence
Patterson Road	Office Assistant		14/1	\$13.05/hr	12/06/12	Substitute
Patterson Road	Office Manager		21/1	\$15.51/hr	12/06/12	Substitute
Central Kitchen	Child Nutrition Production Lead			\$200/mo	02/01/13	Longevity-25 years
Lakeview Jr. High	Inst Assistant I			\$140/mo	01/01/13	Additional Professional Growth Increment (4 total)
Child Nutrition	Accounting Clerk			\$125/mo	02/01/13	Longevity-10 years
District	Inst Assistant I			\$10.56/hr	02/04/13	Substitute
District	Inst Assistant II			\$10.79/hr	02/04/13	Substitute
Lakeview Jr. High	Media Specialist	14/4	5/week	\$15.10/hr	01/07/13	Reinstate from layoff
Patterson Road	Inst Assistant I			\$105/mo	01/01/13	Additional Professional Growth Increment (3 total)
Orcutt Jr. High	AVID Tutor			\$10.00/hr	01/07/13-06/14/13	Temporary Assignment
District	Inst Assistant I				02/15/13	Resignation
OAK-8	Inst Assistant I			\$125/mo	02/01/13	Longevity-10 years
District Office	Admin Assistant			\$200/mo	02/01/13	Longevity-25 years

ORCUTT UNION SCHOOL DISTRICT

Certificated Personnel Action Report

TO: Bob Bush
District Superintendent

FROM: Jan Yanagisako
Assistant Superintendent, Human Resources

DATE: Board Meeting of February 13, 2013

RE: **RECOMMENDATIONS FOR APPROVAL AND RATIFICATION**

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Lakeview	Extra Duty	11/6-12/12/12	Basketball Supervisor, 4 days
Lakeview	VI-20	2013-14	Completed Master's Program
District		2012-13	Contract, District Drama Coach
District	Hourly	12/7/12	ELD Meeting, 5.5 hrs
Nightingale	Hourly	11/28/12	PCPA, 2.5 hrs
Lakeview	Hourly	11/29-12/10/12	Basketball Supervisor, 6 hrs
Lakeview	Hourly	12/4-12/5/12	Detention, 2 hrs
District	Hourly	11/1-12/19/12	Technology, 42 hrs
Dunlap	IV-2	2/06/13	Temporary Resource Teacher, 45.4%
Lakeview	Extra Duty	11/6-12/12/12	Basketball Supervisor, 2 days
District	Daily	1/15/13	Sub Principal, 1 day
Lakeview	Extra Duty	11/29-12/5/12	Basketball Supervisor, 2 days
District	Hourly	12/6-12/12/12	Home & Hospital, 6.5 hrs
		12/3-12/14/12	Compass Learning, 6.75 hrs
Lakeview	Extra Duty	11/6-12/13/12	Homework Club, 4 hrs
District	Daily	11/27-11/28/12	Principal, 2 days
District	Hourly	12/7/12	ELD Meeting, 2.5 hrs
District	Hourly	12/3-12/13/12	Pre-Algebra Readiness Pgm, 4.5 hrs
Orcutt	Extra Duty	11/5-11/29/12	Basketball Supervisor, 6 days
District	Daily	11/27-11/28/12	Principal, 2 days
Shaw	Hourly	2012-13	Overage, 2 hrs day
District	Hourly	12/7/12	ELC Meeting, 5.5 hrs

SCHOOL	CLASS/ STEP	EFFECTIVE DATE	ACTION INFORMATION
Lakeview	Extra Duty	12/10-12/12/12	Basketball Supervisor, 2 days
Lakeview	Extra Duty	11/16-11/29/12	Homework Club, 3 hrs
District	Hourly	12/7/12	ELD Meeting, 4 hrs
Lakeview	Extra Duty	11/06-12/5/12	Basketball Supervisor, 2 days
District	Hourly	12/7/12	ELD Meeting, 2.5 hrs
District	Extra Duty	11/5-12/13/12	Home & Hospital, 22.5 hrs
Orcutt	Extra Duty	11/5-11/29/12 12/6/12	Basketball Supervisor for season Covered during prep period, 1 hr
Lakeview	Extra Duty	11/15-12/11/12	Homework Club, 3 hrs
District	Hourly	12/7/12	ELD Meeting, 5.5 hrs
Nightingale	Hourly	1/7/13	Title 1, 22.5 hrs wk
District	Hourly	11/5-12/12/12	District Support Services, 42.5 hrs
Orcutt	Extra Duty	11/6-12/13/12	Detention, 14 hrs
Dunlap	Hourly	1/9/13	PE Teacher, 6 hr wk
Lakeview	Extra Duty	11/1-12/5/12	PLC & Compass Learning, 3 hrs
Lakeview	Extra Duty	11/30/12	Dance Chaperone, 3 hrs
Lakeview	Extra Duty	10/2-12/14/12 10/17-12/12/12	Noon League, 15 hrs Basketball Supervisor for season
Orcutt	Extra Duty	11/5-11/29/12 12/6/12	Basketball Supervisor, 6 days Covered during prep period, 1 hr
Orcutt	Extra Duty	11/5-11/29/12	Basketball Supervisor, 6 days

Warrants

The material is not included in your copy of the agenda. A copy may be obtained by arrangement with the District Superintendent's office, during District Office working hours.

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

**ORCUTT UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
REGULAR MEETING
January 9, 2013**

CALL TO ORDER

A regular meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, January 9, 2013 beginning with Jan Zilli calling Public Session to order at 6: 51 p.m. Members Present: Buchanan, Peterson, Hatch, Phillips and Zilli. Absent: None. Administrators Present: Bush, Ochej and Yanagisako. Absent: Edds. It was moved by Jim Peterson, seconded by Bob Hatch and carried to adjourn to Closed Session at 6:53 p.m.

RECONVENE TO PUBLIC SESSION

The meeting reconvened to Public Session at 7:15 p.m. The Pledge of Allegiance was led by Liz Phillips. President Zilli reported that no action was taken in Closed Session.

SUPERINTENDENT'S REPORT

Bob invited the Board to attend the ACSA Board Recognition Breakfast on February 14, 2013 at 7:00 a.m. at the Souza Center.

Marysia gave a brief update on the Seismic Study. Copies of the study will be made available to the Board prior to the Special Board Meeting on February 13, 2013 where the study will be discussed in detail. At the meeting will be District Architect, Craig Atkinson and a structural engineer from BFGC. After the presentation the Board will advise Marysia on how they wish for her to proceed.

Marysia addressed the issue of water use charges by the Orcutt American Little League (OALL). The contract with OALL is up for renewal. The Board requested that the contract language be revised to reflect their consensus and brought back to the Board for action.

PUBLIC COMMENT

Brad Gitchell, CSEA President, reported that CSEA made a generous donation to the Foodbank of Santa Barbara County during the holidays and also participated in the *Adopt a Grandparent* program for the first time. They plan to participate again next Christmas. OEA President, Monique Segura reported that she has applied for some additional grants. She also reported that she has had a number of teachers contact her regarding the steps that the District is taking to insure that our schools are safe. Parents Mike Rivera and Hayley Kelman also addressed their concerns about school safety.

CONSENT AGENDA ITEMS

- A. Classified Personnel Action Report
- B. Approval of Warrants
- C. Minutes, Regular Meeting of December 12, 2012
- D. Minutes, Special Meeting of December 7, 2012
- E. Interdistrict Attendance Agreement Requests 2012/2013
- F. Interdistrict Attendance Agreement Requests 2013/2014

It was moved by Bob Hatch, seconded by Jim Peterson and carried to approve Consent Agenda Items A through F, as submitted.

ITEMS SCHEDULED FOR ACTION

It was moved by Jim Peterson, seconded by Rob Buchanan and carried to accept the gifts and directed that a letter of acceptance and appreciation be forwarded to Central Coast Education Collaborative and Mr. and Mrs. Thomas Rust.

Marysia reported that there was one minor audit finding relating to pertussis immunization records in the 2011/2012 Audit Report. It was moved by Jim Peterson, seconded by Rob Buchanan and carried to accept the 2011/2012 Audit Report for the period ending June 30, 2012, as submitted. The Board asked that Superintendent Bush pass on their thank you to the Business Office for an excellent job.

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

The Board Financial Report was presented for information/discussion. Marysia reported that all items were within budget. The Williams/Valenzuela Uniform Complaint Report for October-December 2012 was presented with no complaints reported. Jan Zilli reported that Orcutt Children's Arts Foundation (OCAF) was curious as to what has happened to instruments that were purchased with OCAF funds.

GENERAL ANNOUNCEMENTS

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ADJOURN

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adjourn the meeting at 8:05 p.m.

Bob Bush, Board Secretary

Dr. James Peterson, Clerk, Board of Trustees



ORCUTT UNION SCHOOL DISTRICT

INTERDISTRICT ATTENDANCE AGREEMENT REQUESTS

2012/2013 Academic School Year

Current Monthly Requests

February 13, 2013

Staff recommends the Board **approve** the following InterDistrict Attendance Agreement Request:

School	New	Renew	Leave
Alice Shaw	1		
Joe Nightingale	5		
Olga Reed			1
Patterson Road			
Pine Grove			
Ralph Dunlap	4		
Lakeview JH			
Orcutt JH			1
Total	10	0	2

Staff recommends the Board **deny** the following InterDistrict Attendance Agreement Requests:

School	Enter	Leave
Alice Shaw		
Joe Nightingale		
Olga Reed		
Patterson Road		
Pine Grove		
Ralph Dunlap		
Lakeview JH		
Orcutt JH		
Total	0	0

Current InterDistrict Attendance Agreements (I) and Allen Act (A) By School

Grade	AS		JN		OR		PR		PG		RD		LKV		OJH		Total	
	I	A	I	A	I	A	I	A	I	A	I	A	I	A	I	A	I	A
K	8	9	7	12	1	0	1	2	2	6	1	4					20	33
1	3	7	12	4	0	1	6	0	1	6	7	4					29	22
2	6	4	8	9	1	0	2	7	6	6	2	4					25	30
3	5	4	11	3	3	0	5	0	3	5	6	7					33	19
4	8	4	12	7	1	0	5	1	3	5	11	5					40	22
5	10	4	11	4	0	0	5	3	7	5	1	1					34	17
6	6	4	15	5	2	0	4	1	4	3	15	4					46	17
7					0								44	10	18	10	62	20
8					1								29	11	19	9	49	20
Subtotal	46	36	76	44	9	1	28	14	26	36	43	29	73	21	37	19	338	200
Total	82		120		10		42		62		72		94		56		538	



ORCUTT UNION SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Ralph Dunlap Elementary Date: 01/23/13

DONOR: Name: Hollister Ranch
Address: 2429 Professional Parkway, Suite 102 Santa Maria CA 93455
Phone No. 805-938-3131

GIFT: Item Donated _____ or Cash Donation \$ 470.00
(Fill in if money is donated)
Designated for: 2 Busses for 2 Tide pool Schools- Lai & Schmalbach
General Description: Tide pool School
Model No.: _____ Condition: New Used
Value (estimated): _____
Purpose of Gift: Field trip cost
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: _____

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

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

Acceptance Requested By (OUSD Staff Member): Carol J. Sutton
Acceptance Approved By (Administrator): [Signature]
RECOMMENDATIONS: Principal or District Representative [Signature]

BOARD ACTION: Date Accepted: _____ Date Denied: _____

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



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Joe Nightingale Date: 1-25-2013

DONOR: Name: S. Joel Fuller
Address: 610 Sunrise Dr. 8I, Santa Maria, CA. 93455
Phone No. (805) 331-6236

GIFT: Item Donated or Cash Donation \$ 200.00
Designated for: Field Trip for Room 4
General Description: Cash
Model No.: N/A Condition: [X] New [X] Used
Value (estimated): \$200.00
Purpose of Gift: Field Trip
Will gift be purchased through Business Services Office? [] Yes [] No
Donor Conditions of Acceptance: Use towards a field trip.

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

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

Acceptance Requested By (OUSD Staff Member): John Chamberlain, Teacher
Acceptance Approved By (Administrator): [Signature]
RECOMMENDATIONS: Principal or District Representative Please accept.

BOARD ACTION: Date Accepted: Date Denied:

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

LAKEVIEW JUNIOR HIGH SCHOOL



3700 Orcutt Road, Santa Maria, California 93455 • (805) 938-8600 FAX (805) 938-8649
Alan Majewski, Principal • Gene Rickman, Jr., Vice Principal • www.LakeviewJHS.net

Dec 13, 2012

Bob Bush, Superintendent
Orcutt Union School District
Pinal and Dyer Streets
Orcutt, California 93455

Re: 2013 8th Grade Honor Trip to Los Angeles, California

Dear Mr. Bush:

With the permission of the Orcutt Union School District Board of Trustees, Lakeview Junior High School will be sponsoring our 10th annual 8th Grade Honors Trip to Los Angeles, California. This year's trip will include the top 40 students from the 20012/20138th Grade Lakeview class.

As part of the planning for the 2013 8th Grade Honor Trip, we have tried to incorporate all the learning disciplines in our itinerary. Students will be visiting the Griffith Observatory and Planetarium (Science), attending a session at the Tolerance Museum (History/English), a tour of the Fashion Institute of Design & Merchandising. In addition there will be a tour of the UCLA Campus and a visit to Universal Studios.

Students will depart from Lakeview Junior High School at 8:30 a.m. on Wednesday, March 13th and will return by 5:00 p.m. on Friday, March 15. We will be utilizing a bus from Silverado Stages, Inc. There will be four staff members from Lakeview Junior High who will serve as chaperones. This year's chaperones are Beth Baldwin, Keri Kirkland, Paul Cleveland and William VanAllen.

On behalf of all of the chaperones this year, I would like to say thank you for your continued support of our academic programs at Lakeview Junior High.

Sincerely,

A handwritten signature in black ink, appearing to read 'William VanAllen'. The signature is fluid and cursive, with a long horizontal stroke at the end.

William VanAllen
Teacher
Lakeview Junior High



**TIME SENSITIVE, REQUIRES BOARD ACTION
DEADLINE FRIDAY, MARCH 15, 2013**

January 31, 2013

MEMORANDUM

To: All Board Presidents and Superintendents
CSBA Member Boards of Education

From: Cindy Marks, President

Re: 2013 CSBA Delegate Assembly Election
U.S. Postmark Deadline – Friday, March 15, 2013

Enclosed is the ballot material for election of a representative to the CSBA Delegate Assembly from your region or subregion. The material consists of the ballot (on red paper), required candidate biographical sketch form, and if submitted, résumé for each candidate. In addition, we are including a “copy” of the ballot on white paper so that it may be included in board agenda packets, if you choose to do so. **Only the ballot on red paper is to be completed and returned.**

The board as a whole may vote for up to the number of vacancies in the region or subregion as indicated on the ballot. For example, if there are three vacancies in the region or subregion, the board may vote for up to three individuals. Regardless of the number of vacancies, each board may cast no more than one vote for any one candidate. (The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided.)

The ballot must be signed by the Superintendent or Board Clerk and returned in the enclosed envelope; if the envelope is misplaced, you may use your district’s stationery; please write **DELEGATE ELECTION** prominently on the envelope with the region or subregion number on the bottom left corner. **Ballots must be postmarked by the U.S. Post Office on or before Friday, March 15. No exceptions are allowed.**

Election results will be available no later than Monday, April 1. If there is a tie vote, a run-off election will be held. All re-elected and newly elected Delegates will serve two-year terms beginning April 1, 2013 – March 31, 2015. The next meeting of the Delegate Assembly is on Saturday, May 18 – Sunday, May 19 at the Hyatt Regency in Sacramento.

The names of all Delegates will be available on CSBA’s website no later than Monday, April 1. Please do not hesitate to contact Charlyn Tuter in the Leadership Services Department at (800) 266-3382 ext. 3281 should you have any questions. Thank you.

This complete, **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the post office No later than **FRIDAY, MARCH 15, 2013**. Only ONE Ballot per Board. Be sure to mark your vote "X" in the box. *A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.*

OFFICIAL 2013 DELEGATE ASSEMBLY BALLOT
SUBREGION 11-A
(Santa Barbara County)

Number of vacancies: 1 (Vote for no more than 1 candidate)

Delegates will serve two-year terms beginning April 1, 2013 – March 31, 2015

**denotes incumbent*

Pam Kinsley (Goleta Union ESD)*

Provision for Write-in Candidate Name

School District

Signature of Superintendent or Board Clerk

Title

School District/COE Name

Date of Board Action

See reverse side for a current list of all Delegates in your Region.



CSBA 2013 Delegate Assembly Candidate Biographical Sketch Form

Due: Monday, January 7, 2013 (U.S. Postmark or fax - 916.669.3305 or 916.371.3407)

Please complete, sign and date this **required** candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this candidate form will **not** be accepted.

Name: <u>Pam Kinsley</u>	CSBA Region/Subregion: <u>11A</u> / _____
District or COE: <u>Goleta Union School District</u>	Years on board: <u>2</u> ADA: <u>3,700</u>
Contact Number: <u>(805) 968-7628</u>	E-mail: <u>pamsbta@aol.com</u>
Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, how long have you served as a Delegate? _____

CSBA's Delegate Assembly sets the general education policy direction for the Association. As a member of the Delegate Assembly, please describe what your top three educational priorities would be, and why they are important to the Association.

- Provide stable funding for public schools - important for our boards to be able to plan effectively.
- Closing the achievement gap - to be sure each and every student is successful.
- Ensure that all schools provide well-rounded curriculum, including arts, music and technology. Important that no schools have less opportunities.

Another responsibility of Delegates is to communicate the interests of local boards to CSBA's Board of Directors, Executive Committee and staff. Please describe your activities/involvement or interests in your local district or county office.

I have been attending our local county CSBA meetings and was recently elected vice-president.

Attended many events for our local parcel tax and Propositions 30.
Member of local Retired Teacher Association as legislative chair.

Why are you interested in becoming a Delegate and what contribution do you feel you would make as a member of the Delegate Assembly?

My interest in the classroom as retired teacher and my experience in political areas would help me contribute to the Delegate Assembly.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Pamela Kinsley Date: 12-12-12

ORCUTT

Union School District

BOARD OF TRUSTEES

ROB BUCHANAN
ROBERT HATCH
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LIZ PHILLIPS
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Where a Dedicated Staff Means
KIDS COME FIRST

BOB BUSH
District Superintendent
HOLLY EDWARDS, Ed.D.
Assistant Superintendent
MARYSIA OCHEJ
Assistant Superintendent
JAN YANAGISAKO
Assistant Superintendent

TO: Board of Trustees
Orcutt Union School District

FROM: Bob Bush, Superintendent

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Bylaw 9012
Board Member Electronic Communication

BACKGROUND: This is a board bylaw that we do not currently have. It was mentioned as a reference in a board bylaw that I was updating and decided that it would be a good bylaw to have. Electronic communication is an efficient and convenient way to communicate and exchange information, but cannot be used to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

RECOMMENDATIONS: It is recommended that the Board of Trustees approve BB 9012.

FUNDING: No funding implications

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Board of Trustees recognizes that electronic communication among Board members and between Board members, district administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the district and its schools. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

(cf. 1100 - Communication with the Public)

(cf. 6020 - Parent Involvement)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the press shall be forwarded to the designated district spokesperson.

(cf. 1112 - Media Relations)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 9005 - Governance Standards)

(cf. 9121 - Board President)

(cf. 9200 - Limits of Board Member Authority)

(cf. 9270 - Conflict of Interest)

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

Board members may use electronic communications to discuss matters other than district business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning district business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

(cf. 1340 - Access to District Records)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings
35145 Public meetings
35145.5 Agenda; public participation; regulations
35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination
54950-54963 The Ralph M. Brown Act, especially:
54952.2 Meeting, defined
54953 Meetings to be open and public; attendance
54954.2 Agenda posting requirements, board actions

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

CSBA: <http://www.csba.org>
CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>
Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

Bylaw Adopted:

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

ORCUTT

Union School District

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Assistant Superintendent
MARYSIA OCHEJ
Assistant Superintendent
JAN YANAGISAKO
Assistant Superintendent

TO: Board of Trustees
Orcutt Union School District

FROM: Bob Bush, Superintendent

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Bylaw 9321
Closed Session Purposes and Agendas

BACKGROUND: This is a Board Bylaw that we do not currently have. It was mentioned as a reference in a Board Bylaw that I was updating and decided that it would be a good bylaw to have. This Board Bylaw provides specific agenda descriptions for most closed session items expressly authorized by the Brown Act.

RECOMMENDATIONS: It is recommended that the Board of Trustees approve BB 9321

FUNDING: No funding implications

CLOSED SESSION PURPOSES and AGENDAS

The Board of Trustees is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6) Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 *Public meetings*
 35146 *Closed session (re student suspension)*
 44929.21 *Districts with ADA of 250 or more*
 48912 *Governing board suspension*
 48918 *Rules governing expulsion procedures; hearings and notice*
 49070 *Challenging content of students records*
 60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*
 6252-6270 *California Public Records Act*
 54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 Ops. Cal. Atty. Gen. 82 (2011)
86 Ops. Cal. Atty. Gen. 210 (2003)
78 Ops. Cal. Atty. Gen. 218 (1995)
59 Ops. Cal. Atty. Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2002

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

CSBA: <http://www.csba.org>
California Attorney General's Office: <http://www.oag.ca.gov>
League of California Cities: <http://www.cacities.org>

Bylaw Adopted:

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

ORCUTT

Union School District

BOARD OF TRUSTEES

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Assistant Superintendent

TO: Board of Trustees
Orcutt Union School District

FROM: Bob Bush, Superintendent

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Bylaw 9321.1
Closed Session Actions and Reports

BACKGROUND: This is a Board Bylaw that we do not currently have. It was mentioned as a reference in a Board Bylaw that I was updating and decided that it would be a good bylaw to have. Board Bylaw 9321.1 specifies and describes actions and reports that need to be reported out in open session.

RECOMMENDATIONS: It is recommended that the Board of Trustees approve BB 9321.1

FUNDING: No funding implications

CLOSED SESSION ACTIONS and REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4118 - Suspension/Disciplinary Action)

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232))

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

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

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential

information and shall be a matter of public record.

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*
35146 *Closed session (re student matters)*
48918 *Rules governing expulsion procedures; hearings and notice*
49073-49079 *Privacy of student records*
60617 *Meetings of governing board*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*
54957.1 *Closed sessions; public report of action taken*
54957.6 *Closed sessions; representatives to employee organization(s)*
54957.7 *Disclosure of items to be discussed*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 *Family Educational Rights and Privacy*

COURT DECISIONS

Kleitman v. Superior Court (1999) 87 Cal.Rptr.2d 813

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 85 (1997)

Bylaw Adopted:

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

ORCUTT

Union School District

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Assistant Superintendent
MARYSIA OCHEJ
Assistant Superintendent
JAN YANAGISAKO
Assistant Superintendent

TO: Board of Trustees
Orcutt Union School District

FROM: Bob Bush, Superintendent

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Bylaw 9322
Agenda/Meeting Materials

BACKGROUND: Board Bylaw revised to update material related to the consent agenda/calendar, including deleting outdated information and reflecting NEW LAW (SB 1003) which requires the Board to have a separate agenda item (not on consent agenda) when it is considering approving or rescinding its unconditional commitment to refrain from taking actions in violation of the Brown Act.

RECOMMENDATIONS: It is recommended that the Board of Trustees approve BB 9322

FUNDING: No funding implications

AGENDA/MEETING MATERIALS**Agenda Content**

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

(cf. 9320 - Meetings and Notices)
(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Agenda Preparation

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

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 9121 - President)
(cf. 9122 - Secretary)

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

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

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

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

(cf. 9323.2 - Actions by the Board)

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
~~*(cf. 3320 - Claims and Actions Against the District)*~~
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Items Agenda/Calendar

In order to promote efficient meetings, the Board may **bundle a number of items and** act upon ~~more than one item by~~ **them together by** a single vote through the use of a consent agenda. Consent items shall be items of a routine nature ~~or~~ **and** items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

~~In accordance with law, the public has a right to comment on any consent item.~~ At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

Agenda Dissemination to Board Members

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

When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

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

Agenda Dissemination to Members of the Public

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

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 - District and School Web Sites)
(cf. 1340 - Access to District Records)

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

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

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

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

Legal Reference:

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

6250-6270 *Public Records Act*

53635.7 *Separate item of business*

54954.1 Mailed agenda of meeting
54954.2 Agenda posting requirements; board actions
54954.3 Opportunity for public to address legislative body
54954.5 Closed session item descriptions
54956.5 Emergency meetings
54957.5 Public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal. App. 4th 229

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007⁹

Call to Order: A Blueprint for Great Board Meetings, 2010

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

<http://www.esba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: ~~<http://www.caag.state.ca.us>~~ <http://www.oag.ca.gov>

Bylaw Adopted: 11/8/06

Bylaw Updated:

ORCUTT UNION SCHOOL DISTRICT

Orcutt, California

ORCUTT

Union School District

BOARD OF TRUSTEES

ROB BUCHANAN
ROBERT HATCH
DR. JAMES PETERSON
LIZ PHILLIPS
JANET ZILLI

Where a Dedicated Staff Means
KIDS COME FIRST

BOB BUSH
District Superintendent
HOLLY EDDS, Ed.D.
Assistant Superintendent
MARYSIA OCHEJ
Assistant Superintendent
JAN YANAGISAKO
Assistant Superintendent

TO: Board of Trustees
Orcutt Union School District

FROM: Bob Bush, Superintendent

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Bylaw 9323.2
Actions by the Board

BACKGROUND: This is a Board Bylaw that we currently do not have, but was on the update list from CSBA. CSBA recommended updating BB 9323.2 to reflect NEW LAW (SB 1003) which expands the types of past Board actions that may be challenged by the district attorney or other interested person provided that certain requirements are met, including the sending of a "cease and desist" letter to the Board within nine months of the alleged violation.

RECOMMENDATIONS: It is recommended that the Board of Trustees approve BB 9323.2

FUNDING: No funding implications

ACTIONS BY THE BOARD

The Board of Trustees shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

Legal Reference:

EDUCATION CODE

15266 *School construction bonds*
17466 *Declaration of intent to sell or lease real property*
17481 *Lease of property with residence for nondistrict purposes*
17510-17511 *Resolution requiring unanimous vote of all members constituting board*
17546 *Private sale of personal property*
17556-17561 *Dedication of real property*
17582-17583 *District deferred maintenance fund*
35140-35149 *Meetings*
35160-35178.4 *Powers and duties*
48660-48661 *Community day schools, establishment and restrictions*

CODE OF CIVIL PROCEDURE

425.16 *Special motion to strike in connection with a public issue*
1245.240 *Eminent domain vote requirements*
1245.245 *Eminent domain, resolution adopting different use*

GOVERNMENT CODE

53090-53097.5 *Regulation of local agencies by counties and cities*
53724 *Parcel tax resolution requirements*
53790-53792 *Exceeding the budget*
53820-53833 *Temporary borrowing*
53850-53858 *Temporary borrowing*
54950-54963 *The Ralph M. Brown Act, especially:*
54952.6 *Action taken, definition*
54953 *Meetings to be open and public; attendance; secret ballots*
54960-54960.5 *Actions to prevent violations*
65352.2 *Coordination with planning agency*

PUBLIC CONTRACT CODE

3400 *Bid specifications*
20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*
20113 *Emergencies, award of contracts without bids*

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw Adopted:

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



Educational Services

Holly Edds, Assistant Superintendent
hedds@orcutt-schools.net

TO: Bob Bush, Superintendent

FROM: Holly Edds
Assistant Superintendent, Educational Services

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Policy 5145.6
PARENTAL NOTIFICATIONS

BACKGROUND: Policy updated to reflect new law (AB 2262) which allows the annual parent notifications to be sent electronically upon request by the parent/guardian and requires that any notifications sent electronically be written in both English and in the family's primary language when required by law. Policy also reflects existing law prohibiting schools from undertaking specified activities if parents/guardians are not notified.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 5145.6

FUNDING: No funding implications.

Students

PARENTAL NOTIFICATIONS

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

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

~~The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)~~

The notice required pursuant to Education Code 48980 shall be sent at the beginning of each academic year and may be provided either by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 48981, 48982)

If any activity specified in Education Code 48980 will be undertaken by any school during the forthcoming school term, the notice shall state that fact and the approximate date on which any such activity will occur. No such activity shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. (Education Code 48983-48984)

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

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. (Education Code 48981, 48985; 20 USC 6311, 6312)

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

~~(cf. 6174 - Education for English Language Learners)~~

Legal Reference:

EDUCATION CODE

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 262.3 Appeals; information re: availability of civil remedies
- 310 Structured English Immersion Program
- 17288 Students: school buildings
- 17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 35178.4 Notice of accreditation status
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35256 School accountability report card
- 35291 Rules for student discipline
- 37254 Intensive instruction for students who have not passed High School Exit Examination
- 37616 Consultation regarding year-round schedule
- 39831.5 School bus rider rules and information
- 44808.5 Permission to leave school grounds
- 46010.1 Notice re: excuse to obtain confidential medical services
- 46014 Regulations regarding absences for religious purposes
- 46600-46611 Interdistrict attendance agreements especially:
- ~~46601 Failure to approve interdistrict attendance~~
- 48000 Minimum age of admission
- 48070.5 Promotion or retention of students
- 48204 Residency requirements
- 48205 Absence for personal reasons
- 48206.3 Students with temporary disabilities; individual instruction; definitions
- 48207-48208 Students with temporary disabilities in hospitals outside of school district
- ~~48208 Students with temporary disabilities in qualifying hospitals~~
- 48216 Immunization
- 48260.5 Notice to parent re truancy
- 48263 Referral to SARB or probation department
- 48354 Option to transfer from school identified under Open Enrollment Act
- 48357 Status of application for transfer from school identified under Open Enrollment Act
- 48432.5 Involuntary transfers of students
- 48904 Liability of parent/guardian for willful student misconduct
- 48904.3 Withholding grades, diplomas, or transcripts
- 48906 Notification of release of student to peace officer
- 48911 Notification in case of suspension
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled individuals: enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Parent Signature; return to school; effect of signature acknowledging receipt of notice
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English

48987 Child abuse information
~~49013 Use of uniform complaint procedures for complaints regarding student fees~~
49063 Notification of parents of their rights
49067 ~~Regulations regarding student's achievement~~ Student evaluation; student in danger of failing course
49068 Transfer of permanent enrollment and scholarship record
49069 Absolute right to access
49070 Challenging content of records
49073 Release of directory information
49076 Access to student records
49077 Access to information concerning a student in compliance with court order
~~49091.14 Prospectus~~
49332 ~~Notifications of retention of object by school personnel; release~~
49403 Cooperation in control of communicable disease and immunization
49423 Administration of prescribed medication for student
49451 Physical examinations: parent's refusal to consent
49452.5 Screening for scoliosis
49452.7 Information on type 2 diabetes
49452.8 Oral health assessment
49456 ~~Report to parent~~ Results of vision or hearing test
49472 Insurance
49475 Student athletes; concussions and head injuries
49480 Continuing medication regimen for nonepisodic conditions
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
51225.3 Graduation requirements; courses that satisfy college entrance criteria
51229 Course of study for grades 7-12
51513 Personal beliefs; privacy
51938 ~~Right of parent/guardian re: notice~~ HIV/AIDS and sexual health instruction
52164.1 Census-taking methods; determination of primary language; assessment of language skills
52164.3 ~~Notice of reassessment of language skills~~ Reassessment of English learners; notification of results
52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of student
Bilingual education
52244 Advanced Placement Program
54444.2 Migrant education programs; parent involvement
56301 Child-find system; policies re: written notification rights
56321 Special education: proposed assessment plan
56321.5-56321.6 Notice of parent rights pertaining to special education
56329 Written notice of right to findings; independent assessment
56341.1 ~~Development of Individualized education program for student~~ ; right to audio record meeting
56341.5 Individualized education program team meetings
56343.5 IEP meetings
~~56346 Parental notice and consent to special education program~~
58501 Alternative schools: notice required prior to establishment
60641 Standardized Testing and Reporting Program
60850 High school exit examination
60852.4 High school exit examination waiver for disabled student
~~66204 Certification of high school courses as meeting university admission criteria~~
HEALTH AND SAFETY CODE
1596.857 Right to enter child care facility
120365-~~120375~~ Immunizations
~~120370 Immunizations~~
~~120375 Immunizations~~
120440 Sharing immunization information
124100 School districts and private schools; information to parents Health screening and imunizations
PENAL CODE
627.5 Hearing request following denial or revocation of registration
WELFARE AND INSTITUTIONS CODE

18976.5 Parental notice; right of refusal to participate
CODE OF REGULATIONS, TITLE 5
850 Definitions; notification regarding use of California Modified Assessment
863 Standardized Testing and Reporting Program
3052 Behavioral intervention
3831 General standards (Gifted and Talented Program)
4622 ~~Notice requirements and recipients~~ Notification of uniform complaint procedures
4631 ~~Responsibilities of the local agency~~ Uniform complaint procedures; notification of decision and right to appeal
4702 Student transfer from school identified under Open Enrollment Act
4917 Notification of sexual harassment policy
11303 Reclassification of English language learners
11309 Parental exception waivers
11511.5 English language proficiency assessment; test results
11523 Notice of proficiency examinations
18066 ~~Policies and procedures absences for child care~~ Child care policies regarding excused and unexcused absences
CODE OF REGULATIONS, TITLE 17
6040 Time period to obtain needed immunizations
UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1415 Procedural safeguards
~~1681-1688 Title IX, discrimination based on sex or blindness~~
6311 State plans
6312 Local education agency plans
6316 Academic assessment and local education agency school improvement
6318 Parental involvement
7012 Instruction in English language development
7908 Armed forces recruiter access to students
UNITED STATES CODE, TITLE 42
~~2000d-2000d-7, Title VI, Civil Rights Act of 1964~~
1758 Child nutrition programs
CODE OF FEDERAL REGULATIONS, TITLE 34
99.7 Student records, annual notification
99.34 Student records, disclosure to other educational agencies
99.37 Disclosure of directory information
104.32 District responsibility to provide free appropriate public education
104.36 Procedural safeguards
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
200.61 Teacher qualifications
300.300 Parent consent for special education evaluation
300.322 Parent participation in IEP team meetings
300.502 Independent educational evaluation of student with disability
300.503 Prior written notice regarding identification, evaluation, or placement of student with disability
300.504 Procedural safeguards notice for students with disabilities
300.508 Due process complaint
300.530 Discipline procedures
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans

Policy Adopted: ~~10/15/08~~ 2/13/13

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



Educational Services

Holly Edds, Assistant Superintendent
hedds@orcutt-schools.net

TO: Bob Bush, Superintendent

FROM: Holly Edds
Assistant Superintendent, Educational Services

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Policy 6161.1
SELECTION AND EVALUATION OF
INSTRUCTIONAL MATERIALS

BACKGROUND: Policy updated to reflect new law (AB 1246) which allows the district to adopt instructional materials for grades K-8 that have not been approved by the State Board of Education (SBE), provided that the materials are aligned with state academic content standards or Common Core Standards. Policy also deletes materials related to the Instructional Materials Funding Realignment Program, repealed by AB 1246.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6161.1

FUNDING: No funding implications.

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Board of Trustees desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, other educational materials shall be aligned with state and district content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

~~(cf. 0440 - District Technology Plan)~~

~~(cf. 6000 - Concepts and Roles)~~

~~(cf. 6011 - Academic Standards)~~

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

~~(cf. 6143 - Courses of Study)~~

~~(cf. 6146.1 - High School Graduation Requirements)~~

~~(cf. 6161 - Equipment, Books and Materials)~~

~~(cf. 6161.11 - Supplementary Instructional Materials)~~

~~(cf. 6162.5 - Student Assessment)~~

~~(cf. 6163.1 - Library Media Centers)~~

~~(cf. 9000 - Role of the Board)~~

The Board shall select instructional materials for use in grades K-8 that have been approved by the State Board of Education (SBE) or have otherwise been determined to be aligned with the state academic content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8. (Education Code 60200, 60210)

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

Review Process

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. ~~Toward that end, he/she may establish an instructional materials review committee to evaluate and recommend instructional materials.~~

~~This~~ ~~The review~~ process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Ed Code 60002)

Individuals who participate in selecting and evaluating instructional materials shall ~~not~~ have ~~no~~ a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

The committee shall review instructional materials using criteria provided in law and administrative regulation, and shall provide the Board with documentation supporting its recommendations.

All recommended instructional materials shall be available for public inspection at the district office.

(cf. 5020 – Parent Rights and Responsibilities)

~~Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.~~

~~*(cf. 1312.2 – Complaints Concerning Instructional Materials)*~~

~~*(cf. 1312.4 – Williams Uniform Complaint Procedures)*~~

~~The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.~~

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. (Education Code 60119 5 CCR 9531)

The hearing shall take place on or before the end of the eighth week from the first day students attend school for that year.

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 – Agenda/Meeting Materials)

At these hearings, the Board shall determine, through a resolution, whether each student in each school, including each English Learner, has sufficient textbooks and/or instructional materials in each of the following subjects which are aligned to the state content standards

adopted pursuant to Education code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and that are which are consistent with the content and cycles of the state curriculum frameworks. Sufficiency of instructional materials shall be determined in the following subjects: (Education Code 60119)

1. Mathematics

(cf. 6142.92 – Mathematics Instruction)

2. Science

(cf. 6142.93 – Science Instruction)

3. History-social science

(cf. 6142.94 – History-Social Science Instruction)

4. English/language arts, including the English language development component of an adopted program

(cf. 6142.91 – English/Language Arts Instruction)

5. Foreign Language

(cf. 6142.2 – World/Foreign Language Instruction)

6. Health

(cf. 6142.8 – Comprehensive Health Education)

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12.

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

The Board shall also make a determination that all students within the district who are enrolled in the same course have “identical” standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination
1240 County superintendent, general duties
1240.3 Definition of sufficiency for categorical flexibility
33050-33053 General waiver authority
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51501 Nondiscriminatory Subject matter
60000-60005 Instructional materials, legislative intent
60010 Definitions
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60111 Instructional materials on drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60420-60424 ~~Instructional Materials Funding Realignment Program~~
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards
60605.8 Common Core Standards
60605.86 Supplemental instructional materials aligned with Common Core Standards

CODE OF REGULATIONS, TITLE 5

9505-9532 Instructional materials, especially:
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CSBA PUBLICATIONS

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

CDE PUBLICATIONS

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001
Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

California Academic Content Standards Commission, Common Core Standards:
<http://www.scoe.net/castandards>
California Department of Education: <http://www.cde.ca.gov>

Policy Adopted: ~~6/13/2012~~ 2/13/13

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



Educational Services

Holly Edds, Assistant Superintendent
hedds@orcutt-schools.net

TO: Bob Bush, Superintendent

FROM: Holly Edds
Assistant Superintendent, Educational Services

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Policy 6161.11
SUPPLEMENTARY INSTRUCTIONAL MATERIALS

BACKGROUND: Policy updated to reflect new law (AB 1719) as well as SB 140 (2011), which require the SBE to approve and publicize lists of supplementary materials aligned with the state's Common Core Standards in English language arts, mathematics, and English language development. Policy also revised to reflect the definition of supplementary instructional materials in law and to address the selection process, criteria, and funding.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6161.11

FUNDING: No funding implications.

Instruction

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

The Board of Trustees encourages teachers to use supplementary instructional materials which are relevant to curriculum objectives and compatible with district goals and objectives. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth. **to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.**

~~Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:~~

- ~~1. Directly supportive of students learning district standards~~
- ~~2. Appropriate for students' ages and maturity levels~~

~~Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.~~

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

~~When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.~~

~~All materials must be used within legal copyright limits.~~

~~(cf. 6162.6 - Use of Copyrighted Materials)~~

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

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

(cf. 6163.1 - Library Media Centers)

Supplementary instructional materials include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

- 1. To provide more complete coverage of one or more subjects included in a given course**

2. To meet the various learning ability levels of students in a given age group or grade level
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

(cf. 6142.91 - English/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

(cf. 3290 - Gifts, Grants and Bequests)

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

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

(cf. 6162.6 - Use of Copyrighted Materials)

Supplementary Materials Aligned with Common Core Standards

To prepare district students to achieve the Common Core Standards in English language arts and mathematics and the English language development standards, as applicable, the Board may select supplementary instructional materials from the lists of materials determined by the State Board of Education (SBE) to be aligned with those standards. (Education Code 60605.86-60605.88)

The Board may approve supplementary instructional materials that are not on the lists approved by the SBE but which are aligned with the Common Core Standards provided

that the materials comply with the evaluation criteria established by the SBE and Education Code 60050, 60060-60062, and 60226. The Board shall select content review experts who possess the qualifications specified in law to review and recommend such supplementary materials. The majority of the content review experts shall be teachers who are credentialed and/or authorized in the subject area they are reviewing and the remainder shall include appropriate persons from postsecondary educational institutions, school and district curriculum administrators, and other persons who are knowledgeable in the subject area. (Education Code 60605.86-60605.88)

Films, Video and/or Electronic Media

When a staff member desires to show a film, video or use any electronic media that has been approved by the district or county for use in the grade level taught, the staff shall review the content of the film, video or electronic media to determine whether in his/her professional judgment the film, video or electronic media supports student understanding and knowledge that is age and grade appropriate.

When a DJ, radio station or band is invited by a school or district program to perform on campus or at a school event, the principal or responsible program director shall ask to preview the play list prior to the performance.

Before utilizing film, video, or any electronic media for instructional purposes, the staff shall consult the regulation for this policy and related references to motion picture/industry standards.

If the staff has any questions about how established district criteria apply to the film, he/she shall confer with the principal or immediate supervisor before using the electronic media with children.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, appropriateness, and relevance of the materials as well as the ages and maturity of the students.

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

(cf. 6144 – Controversial Issues)

Legal Reference:

EDUCATION CODE

233.5 Duty re. instruction in morals, manners and citizenship

18111 Exclusion of books by Board of Trustees

51510 Prohibited study or supplemental materials

51511 Religious matters properly included

51933 Sex education materials

60010 Definitions

60050 Social content review of instructional materials

60060-60062 Requirements of publishers

60200.7 Suspension of state instructional materials adoptions

60226 Learner verification of instructional materials
60242 Uses of instructional materials funds
60400 Adoption of high school instructional materials
60605.8 Common Core Standards
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards
60811.3 English language development standards

COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130
Fowler v. Board of Education of Lincoln County, (1978) 819 F.2d 657

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Standards for Evaluating Instructional Materials for Social Content, 2000
WEB SITES

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

Policy Adopted: ~~3/11/09~~ 02/13/13 ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



Educational Services

Holly Edds, Assistant Superintendent
hedds@orcutt-schools.net

TO: Bob Bush, Superintendent

FROM: Holly Edds
Assistant Superintendent, Educational Services

BOARD MEETING DATE: February 13, 2013

BOARD AGENDA ITEM: Board Policy 6174
EDUCATION FOR ENGLISH LANGUAGE LEARNERS

BACKGROUND: Mandated policy revised to reflect new law (AB 2193) which defines “long-term English learner” and “English learner at risk of becoming a long-term English learner” and requires the CDE to annually report to the district and school on the number of students so classified. Policy also reflects new law (AB 124) which required the SBE to align the state English language development standards with Common Core Standards and new law (AB 1719) which requires the SBE to approve a list of supplementary instructional materials aligned to the updated standards. Policy clarifies that a student must be placed in a English mainstream classroom at the request of his/her parents/guardians and that the waiver process is not needed in such circumstances.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6174.

FUNDING: No funding implications.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

The Board of Trustees intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible ~~in order to assist students in accessing the full educational program and achieving the district's academic standards~~ while facilitating student achievement in the district's regular course of study. The district's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English proficient peers in the regular course of study.

~~The Board encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English language learners that succeed under various demographic conditions.~~

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

~~The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English language learners and for their redesignation based on criteria adopted by the Board and specified in administrative regulations.~~

~~To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.~~

(cf. 6190 – Evaluation of the Instructional Program)

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory and adequately supported in order to assist students in accessing the full educational program.

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

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

(cf. 4112.22 - Staff Teaching English Language Learners)

Identification and Assessment

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

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

Type of Instruction Placement of English Learners

Students who are English language learners shall be educated through “sheltered English immersion” or “structured English immersion” **as defined in law and administrative regulation**, during a temporary transition period not normally intended to exceed one year. “Nearly all” of the classroom instruction in the district's sheltered English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, The district has defined the term “nearly all” shall be defined as follows:

For the purposes of this usage, “nearly all” means 95% or more of sheltered English instruction shall be in English.

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education ~~or any locally developed district assessments and/or any~~ **and using other criteria developed adopted** by the ~~district~~**Board**, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is “overwhelmingly” in English. (Education Code 305; 5 CCR 11301)

(cf. 6162.5 - Student Assessment)

An English language learner has acquired a “reasonable level of English proficiency” when he/she has achieved the following:

Oral proficiency on the SOLOM
CELDT Levels 3,4,5
Standards-based report cards
STAR Test results in LANTS

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)
(cf. 6171 - Title I Programs)

~~Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom.~~ At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

Parental Exception Waivers

~~At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.~~

~~Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.~~

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding the progress of English learners towards proficiency in English, the number and percentage of English learners reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners, the achievement of English learners on standards-based tests in core curricular areas, and a comparison of current data with data from at least the previous year. The Superintendent or designee also shall provide the Board with regular reports from any district or schoolwide English learner advisory committees.

Legal Reference:

EDUCATION CODE

300-340 English language education ~~for immigrant children~~

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

~~33308.5 CDE guidelines not binding~~
~~44253.5-44253.10 Certification for bilingual-cross-cultural competence~~
~~44253.1-44253.11 Qualifications for teaching English learners~~
48985 Notices to parents in language other than English
51101- Rights of parents to information
51101.1 Rights for parents of English learners
52130-52135 Impacted languages act of 1984
52160-52178 Bilingual Bicultural Act
52180-52186 Bilingual teacher training assistance program
54000-54041 Programs for disadvantaged children
60200.7 Suspension of state instructional materials adoptions
60605.87 Supplemental instructional materials, English language development
60810-60812 Assessment of language development
62001-62005.5 ~~Evaluation and sunseting of programs~~Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

~~4320 Determination of funding to support program to overcome the linguistic difficulties of English learners~~

11300-11316 English Language Learner Education
11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act
6312 Local education agency plans
6801-6871 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956 (2002) 307 D.3d 1036
California Teachers Association et al. v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698
Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Guidelines for Reclassification of English Learners, September 2002~~

~~Accommodations for the California English Language Development Test, Revised 8/13/01~~

California English Language Development Test (CELDT): 2012-13 CELDT Information Guide, 2012

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

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

CDE: <http://www.cde.ca.gov>

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

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

Policy Adopted: ~~12/13/06~~ 02/13/13

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Board Report

District 16 -- Orcutt Union

Fund 01 -- General Fund

As of 1/31/2013

	Beginning Bal/ WrkBudget	Month-To-Date Actual	Year-To-Date Actual	Year-To-Date Encumbrances	Ending Bal/ Remaining Bal
9110 -- Cash in County Treasury	346,746.16	(887,069.40)	4,726,652.63	0.00	5,073,398.79
9130 -- Revolving Cash/Fiscal Agent	13,928.00	0.00	0.00	0.00	13,928.00
9200 -- Accounts Receivable	6,947,163.73	0.00	(6,947,163.73)	0.00	0.00
9310 -- Due from Other Funds	192,331.38	0.00	(162,331.37)	0.00	30,000.01
9320 -- Stores	7,094.65	0.00	0.00	0.00	7,094.65
9330 -- Prepaid Expenditures (Expenses)	15,912.05	0.00	(15,912.05)	0.00	0.00
Total Assets	7,523,175.97	(887,069.40)	(2,398,754.52)	0.00	5,124,421.45
9500 -- Accounts Payable (Current Liabilities)	601,670.62	498.46	(596,243.04)	0.00	5,427.58
9610 -- Due to Other Funds	745,903.02	0.00	(745,903.02)	0.00	0.00
9650 -- Deferred Revenue	4,319.43	0.00	(4,319.43)	0.00	0.00
Total Liabilities	1,351,893.07	498.46	(1,346,465.49)	0.00	5,427.58
Fund Balance (Beginning Balance/Actual)	6,171,282.90	0.00	0.00	0.00	5,118,993.87
9791 -- Net Beginning Balance	6,171,282.90	0.00	6,171,282.90	0.00	6,171,282.90
8010 -- Revenue Limit Sources	22,782,412.00	1,097,475.52	11,756,397.02	0.00	11,026,014.98
8100 -- Federal Revenue	1,366,421.75	365,473.00	410,802.75	0.00	955,619.00
8300 -- Other State Revenues	5,356,161.88	324,294.24	1,683,997.21	0.00	3,672,164.67
8600 -- Other Local Revenue	1,375,811.84	112,549.57	794,792.94	0.00	581,018.90
8910 -- Other Financing Sources	459,668.00	1,837.68	449,201.60	0.00	10,466.40
8980 -- Contributions	0.00	0.00	0.00	0.00	0.00
Total Revenues	31,340,475.47	1,901,630.01	15,095,191.52	0.00	16,245,283.95
1000 -- Certificated Personnel Salaries	16,437,636.68	1,516,704.79	8,396,676.87	0.00	8,040,959.81
2000 -- Classified Personnel Salaries	5,200,489.95	440,639.24	2,815,042.00	0.00	2,385,447.95
3000 -- Employee Benefits	6,632,452.92	597,223.69	3,155,614.81	0.00	3,476,838.11
4000 -- Books and Supplies	2,281,044.57	57,318.74	685,400.70	310,724.60	1,284,919.27
5000 -- Services and Other Operating Expenditures	2,624,017.62	165,203.40	932,057.75	904,796.30	787,163.57
6000 -- Capital Outlay	180,000.00	12,108.01	122,021.06	7,295.00	50,683.94
7000 -- Other Outgo & Transfers Out	554,803.00	0.00	40,667.36	20,333.68	493,801.96
Total Expenditures	33,910,444.74	2,789,197.87	16,147,480.55	1,243,149.58	16,519,814.61
Fund Balance (Budget/Actual)	3,601,313.63	0.00	5,118,993.87	0.00	0.00

Selection Criteria: District = 16; Fund = 01,09 Filtered By: None