

ORCUTT UNION SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
Wednesday, August 21, 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. New Staff for 2013/2014
 2. Aeries Analytics Update
 2. District Anti-Bullying Efforts
 3. Actuarial Report for Post-Retirement Benefits
 4. Los Alamos Community Library

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.

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 June 12, 2013
- E. Minutes, Special Meeting of August 9, 2013
- F. Interdistrict Attendance Agreement Requests 2013/2014
- G. Consolidated Application
- H. May Grisham Early Learning Center, 2013/2014 Resolution No. 1
- I. Board Policy 6163.1, Library Media Centers, for second reading
- J. 2013/2014 Administrative and Management Agreement and 2013/2014 Confidential Agreement

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

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR ACTION

A. GENERAL

1. Acceptance of Gifts

Ken Parker/David and Marie Kirby/Santa Maria South Rotary Club donated a copy of *Breaking Through* by Francisco Jimenez to the Joe Nightingale Library.

Ralph Dunlap School received a \$650 donation from Altrusa International Foundation Santa Maria to be used to purchase a bookcase and books for their library.

Throughout the 2012-2013 school year, Mr. Scott Fina volunteered to be part of the safety evaluation team. The District would like to recognize Mr. Fina for his commitment to the mission of improving disaster preparedness.

It is recommended that the Board of Trustees accept this gift and direct that a letter of acceptance and appreciation be forwarded to Ken Parker, David and Marie Kirby, Santa Maria South Rotary Club, Altrusa International Foundation Santa Maria and Mr. Scott Fina.

Moved _____ Second _____ Vote _____

2. Orcutt Children's Arts Foundation (OCAF) 2013/2014 Officers

The Orcutt Children's Arts Foundation (OCAF) requests that the Board of Trustees approve the 2013/2014 officers, as submitted.

Moved _____ Second _____ Vote _____

3. Board Bylaw 9220, Board Elections

It is recommended that the Board of Trustees adopt Board Bylaw 9220, Board Elections.

Moved _____ Second _____ Vote _____

B. BUSINESS

1. Discretionary Commercial Warrants Audit

Staff recommends that the Board of Trustees authorize staff to renew the Memorandum of Understanding for Discretionary Commercial Warrants Audit.

Moved _____ Second _____ Vote _____

2. 2013/2014 Resolution No. 2, Delegation of Authority to District Staff

It is recommended that the Board of Trustees adopt 2013/2014 Resolution No. 2, Delegation of Authority to District Staff, as submitted.

Moved _____ Second _____ Vote _____

3. Northern California Medi-Cal Administrative Services Joint Powers Authority (NMAS-JPA) Contract

Staff recommends that the Board of Trustees approve the contract with NMAS-JPA as presented to continue to participate in the MAA program. A copy of NMAS-JPA contract is available for review M-F from 7:30 am – 4:30 pm at the District Office, 500 Dyer Street, Orcutt, CA.

Moved _____ Second _____ Vote _____

4. Board Policy 3514.1, Hazardous Substances

It is recommended that the Board of Trustees adopt Board Policy 3514.1, Hazardous Substances for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

C. CURRICULUM

1. Board Policy 5030, Student Wellness

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

Moved _____ Second _____ Vote _____

2. Board Policy 5131.2, Bullying

It is recommended that the Board of Trustees adopt Board Policy 5131.2, Bullying for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

3. Board Policy 5145.3, Nondiscrimination/Harassment

It is recommended that the Board of Trustees adopt Board Policy 5145.3, Nondiscrimination/Harassment for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

4. Board Policy 6112, School Day

It is recommended that the Board of Trustees adopt Board Policy 6112, School Day for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

5. Board Policy 6159.2, Nonpublic Nonsectarian School and Agency Services for Special Education

It is recommended that the Board of Trustees adopt Board Policy 6159.2, Nonpublic Nonsectarian School and Agency Services for Special Education for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

6. Repeal Adoption of Board Policy and Administrative Regulation 6172, Gifted and Talented Education (GATE)

It is recommended that the Board of Trustees repeal Board Policy and Administrative Regulation 6172, Gifted and Talented Education (GATE).

Moved _____ Second _____ Vote _____

7. Update to Local Educational Agency Plan (LEA Plan)

It is recommended that the Board of Trustees approve the revisions to the LEA Plan. A copy of the LEA Plan is available for review M-F from 7:30 am – 4:30 pm at the District Office, 500 Dyer Street, Orcutt, CA.

Moved _____ Second _____ Vote _____

8. Purchase of Intel-Assess Question Bank

Staff recommends that the Board of Trustees approve the purchase of Intel-Access Question Bank.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

1. Board Financial Report
2. Quarterly Report on Williams/Valenzuela Uniform Complaints (April-June)
3. Items from the Board

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, September 11, 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.

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
August 21, 2013

TO: Bob Bush
Superintendent

SUBMITTED BY: Don Nicholson
Assistant Superintendent, Human Resources

SUBJECT: RECOMMENDATIONS FOR APPROVAL AND RATIFICATION

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
Pine Grove CC	Child Care Assistant			\$35/mo	09/01/13	(1) Professional Growth Increment
Joe Nightingale	Inst Assistant II			\$175/mo	09/01/13	Longevity – 20 years
Campus Connection	Child Care Assistant				08/19/13-09/13/13	Request Unpaid Leave of Absence
Campus Connection	Child Care Assistant				08/09/13	Resignation
Central Kitchen	Child Nutrition Worker	7/1	1.50	\$10.98/hr	08/19/13	Permanent/Probationary
MOT	Grounds Maintenance Worker I	19/3	8.00	\$2832/mo	08/12/13	Permanent/Probationary
Patterson Road	Child Nutrition Cashier	7/6	2.25	\$14.01/hr	08/19/13	Permanent/Probationary
	Inst Assistant I	11/1	3.50	\$12.11/hr	08/19/13	Permanent/Probationary
District Office	Accounting Technician	22/3		\$17.53/hr	06/17/13-08/01/13	Substitute
	Inst Assistant II	12/1	3.75	\$12.42/hr	08/19/13	Permanent/Probationary
Ralph Dunlap	Inst Assistant I				08/07/13	Resignation
Pupil Services	Inst Assistant I				06/27/13	Resignation
District	Noon Duty Supervisor			\$9.45/hr	08/21/13	Substitute
	Inst Assistant II	12/1	3.50	\$12.42/hr	08/19/13	Permanent/Probationary
Child Nutrition	Child Nutrition Worker			\$9.66/hr	08/21/13	Substitute
Patterson Rd.	Inst Assistant II				08/05/13	Resignation
Child Nutrition	Child Nutrition Worker				08/14/13	Resignation
Patterson Rd.	Child Care Assistant	6/6	2.75	\$13.67/hr	08/19/13	Voluntary Reduction in Hours
	Inst Assistant I	11/6	3.50	\$15.46/hr	08/19/13	Reassignment from lay-off
Alice Shaw	Inst Assistant I				08/19/13-09/30/13	Request Unpaid Leave of Absence
	Inst Assistant I	11/2	3.50	\$12.72/hr	08/19/13	Permanent/Probationary

Classified Personnel Action Report
August 21, 2013

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
District Office	Accounting Technician			\$13.54/hr	08/06/13-10/31/13	Temporary Substitute Assignment
Independent Study	Office Assistant	14/1	2.00	\$13.05/hr	08/19/21	Permanent/Probationary
MOT	Facilities & Maintenance Coordinator			\$200/mo	05/01/13 until return of MOT Director	Temporary Assignment
Inst Assistant	ESL				07/29/13	Resignation
Pine Grove	Child Nutrition Cashier			\$200/mo	09/01/13	Longevity – 20 years
Pine Grove CC	Child Care Assistant				08/14/13	Resignation

ORCUTT UNION SCHOOL DISTRICT

Certificated Personnel Action Report

TO: Robert Bush
District Superintendent

FROM: Don Nicholson
Assistant Superintendent, Human Resources

DATE: Board Meeting of August 21, 2013

RE: **RECOMMENDATIONS FOR APPROVAL AND RATIFICATION**

<i>SCHOOL</i>	<i>CLASS/STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
District	Hourly	5/10-6/5/13	NWEA, 102 hrs
Orcutt	Extra Duty	5/21/13	Subbed on Prep Period, 1 hr
Patterson	VI-20	7/29/13	Retirement
Lakeview	Extra Duty	5/17/13 5/1-6/15/13	Subbed on Prep Period, 1 hr Locker Room coverage, 6.5 hrs
Pine Grove	III-1	8/16/13	Temporary
Shaw	Stipend	2013-14	Teacher in Charge
Lakeview	Extra Duty	6/4-6/6/13 5/14-5/16/13	Detention, 3 hrs Intervention, 2 hrs
Orcutt	Extra Duty	3/25-3/27/13	Home & Hospital, 4 hrs
District		2013-14	Superintendent
Nightingale	Hourly	5/17-6/11/13 5/1-6/13/13	ELD, 11 hrs Home & Hospital, 31.5 hrs
Lakeview	Stipend	2013-14	Yearbook Advisor Sysop
District	Hourly	5/13-6/7/13	NWEA, 103.5 hrs
Pine Grove	Hourly	6/18-6/26/13	Summer Compass Learning, 16 hrs
Dunlap	Stipend	2013-14	Teacher in Charge
Nightingale	Stipend	2013-14	Yearbook Advisor
Orcutt	Extra Duty	5/21/13	Subbed on Prep Period, 1 hr
Nightingale	Hourly	6/17-6/26/13	Summer Compass Learning, 16 hrs
District		5/13-5/29/13	NWEA, 48 hrs
Lakeview	Hourly	5/1-5/15/13	Detention, 3 hrs
Nightingale		2013-14	Title 1 Teacher, 6 hr wk

*To be prorated

SCHOOL	CLASS/ STEP	EFFECTIVE DATE	ACTION INFORMATION
Orcutt	Stipend	2013-14	Girls Volleyball Coach
Lakeview	Stipend	2013-14	Girls Volleyball Coach
Lakeview	Stipend	2013-14	7 th & 8 th Girls Basketball Coach
Lakeview	Extra Duty	6/7/13	Subbed on Prep Period, 1 hr
		5/30/13	Intervention, 1 hr
	Stipend	2013-14	8 th Grade Boys Basketball Coach
Shaw	Extra Duty	5/7-5/20/13	Intervention, 1.5 hrs
		6/4-6/6/13	Compass Learning, 1.5 hrs
Olga Reed	Extra Pay	2013-14	Administrative Support
Orcutt Lakeview	Stipend	2013-14	Track Coach
Olga Reed	Extra Duty	5/3-5/28/13	Chorus, 6 hrs
District	Extra Pay	2013-14	Extra .10 FTE
District	Stipend	2013-14	Band Director
Shaw	Hourly	5/17-6/11/13	ELD, 9 hrs
		5/10-6/14/13	Home and Hospital, 23 hrs
District	Extra Duty	6/5/13	Interview Panel, 3.5 hrs
District	Daily	5/23/13	1 st Grade Common Core, 1 day
District	Hourly	5/1-5/26/13	Pre-Algebra, 8 hrs
Orcutt JH	Extra Pay	2013-14	Extra .20 FTE
District	Hourly	5/1-5/24/13	STAR Testing, 21 hrs
District	Hourly	5/17-6/11/13	ELD, 9 hrs
Patterson	Hourly	5/17-6/11//13	ELD, 9.5 hrs
Olga Reed	Extra Pay	2013-14	Dean of Students
Shaw	Hourly	2013-14	PE Teacher, 16 hrs wk
District	Hourly	3/25-5/24/13	STAR Testing, 16 hrs
District	Daily	5/10-5/24/13	1 st Grade Common Core, 1 day
District		2013-14	Assistant Superintendent, HR Longevity Cell Phone Reimbursement
Pine Grove	Hourly	5/17-6/11/13	ELD, 8.75 hrs
Orcutt	Stipend	2013-14	Boys Volleyball Coach
Lakeview	Stipend	2013-14	Yearbook Advisor
Orcutt	Stipend	2013-14	7 th Boys Basketball Coach
Lakeview	VI-20	2013-14	Completed Master's

*To be prorated

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Patterson	Hourly	5/17-6/11/13	ELD, 9.5 hrs
Nightingale	Hourly	5/1-5/2/13 2013-14	PE, 2 hrs Title 1 Teacher, 24 hr wk
Orcutt	Stipend	2013-14	Cheer Coach
Nightingale	Hourly	2013-14	Title 1 Teacher, 24 hr wk
District	Extra Duty	5/1-6/13/13	Home & Hospital, 31 hrs
District	Extra Pay	2012-13	Healthy Kids Coordinator
Shaw	Extra Duty	5/1-6/5/13	Compass Learning, 17.25 hrs
Pine Grove	Stipend	2013-14	Teacher in Charge Track Coach
District	Daily Hourly	5/24/13 5/13-5/31/13 5/22-5/23/13	1 st Grade Common Core, 1 day NWEA, 42 hrs STAR Testing, 11 hrs
Orcutt	Stipend	2013-14	7 th & 8 th Girls Basketball Coach
Orcutt	Stipend	2013-14	8 th Boys Basketball Coach ASB Advisor Yearbook Advisor
Patterson	Stipend	2013-14	Teacher in Charge Yearbook Advisor
Lakeview	Extra Duty	5/2-5/21/13 5/15/13	Detention, 2 hrs Subbed on Prep Period, 1 hr
Nightingale	Hourly	5/17-6/10/13	ELD, 8.5 hrs
Lakeview	Extra Duty	5/17/13	Subbed on Prep Period, 1 hr
Nightingale	II	2013-14	Vice Principal Cell Phone Reimbursement
Lakeview	Stipend	2013-14	Cheer Coach
Shaw	Stipend	2013-14	Yearbook Advisor
District	Hourly	5/6-5/31/13	NWEA, 104.5 hrs
Pine Grove	Hourly	9/23/13	PE Teacher, 24 hr wk
District	Hourly	5/1-6/12/13	Strings, 31 hrs
Lakeview	Hourly	5/21-5/22/13 5/9/13 5/23/13	Detention, 2 hrs Parent Conferences, 2 hrs Open House, 2 hrs
District	Hourly	5/3-6/10/13	NWEA, 96.5 hrs
District	Extra Pay	5/1-6/5/13	Temp Psychologist, 60.5 hrs

*To be prorated

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Lakeview	Extra Duty	5/7-5/15/13	Sound System Update, 5 hrs
Patterson	IV-1	8/16/13	Temporary
District	Hourly Daily	5/3-5/30/13 5/22-5/23/13	NWEA, 68.5 hrs 1 st Grade Common Core, 1.5 days
Orcutt	Extra Duty	5/2-6/6/13 5/1-5/30/13 5/21/13	Detention, 15 hrs Home & Hospital, 16.5 hrs Subbed on Prep Period, 1 hr
District	Hourly	5/6-6/30/13	District Support Services, 20 hrs
Lakeview	Extra Duty	5/1/13	PLC Planning, 1 hr
Lakeview	Extra Duty	6/7/13	Subbed on Prep Period, 1 hr
Lakeview	Extra Duty	6/14/13	Extra Day, 3 hrs
Pine Grove	VI-20	2013-14	Request Unpaid Leave of Absence
Lakeview	Extra Duty	5/23/13	Subbed on Prep Period, 1.5 hrs
		5/2-5/30/13	Noon League, 6 hrs
	Hourly Stipend	6/19-6/27/13 2013-14	Summer Compass Learning, 16 hrs Athletic Director
Olga Reed	Hourly	6/4-6/11/13 5/14-5/29/13	Year Wrap Up, 4.5 hrs Parent Meetings/Open House, 5 hrs
Nightingale	Hourly	2013-14	Title 1 Teacher, 24 hrs wk
District	Hourly	5/20-6/6/13	NWEA, 65 hrs
Dunlap Patterson	Stipend	2013-14	Track Coach
Orcutt	Extra Duty	6/7/13	Subbed on Prep Period, 1 hr
District	Hourly	5/1-6/7/13	NWEA, 99 hrs

*To be prorated

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
June 12, 2013**

CALL TO ORDER

A regular meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, June 12, 2013 beginning with Jan Zilli calling Public Session to order at 6:50 p.m. Members Present: Buchanan, Hatch, Phillips and Zilli. Absent: Peterson. Administrators Present: Bush, Ochej and Edds. Absent: Yanagisako. The Pledge of Allegiance was led by Rob Buchanan.

SUPERINTENDENT'S REPORT

A donation from Altrusa International Foundation Santa Maria will be used to purchase a bookcase and books for Ralph Dunlap School. The donation is in memory of Margaret Pearson, an Altrusa member for over 45 years and mother of Sandy Buchanan (Board member Rob Buchanan's wife) and Suzanne Hajnik (former OUSD teacher).

The following retirees were recognized with staff and friends speaking on their behalf.

Certificated: Stacy Avelar, Nancy Cutler, Sharon Darnton, Susan Fife, Vickie Gill, Luana Knowlton, Marilyn McCoy, Bonnie Nyenhuis, Maureen Wilson and Scott Wilson.

Classified: Debbie Agayoff, Valentina Braucher and Donna Reed.

Administrator: Jan Yanagisako

PUBLIC COMMENT

Monique Segura, OEA President reported that she and Pat Brickey wrote and were awarded a \$3000 grant to help an OEA member whose home was destroyed in a fire. OEA awarded two high school scholarships. One was to Kathleen Greenup of Righetti High School. Both of her parents are teachers in the Orcutt School District. An additional scholarship was awarded to Abigail Murdock of the Orcutt Academy High School. All current OEA officers were reelected to their respective offices.

WRITTEN COMMUNICATION

Bob Bush shared schedules for Awards Nights, Open House and Graduations.

PUBLIC HEARING

Ms. Zilli opened the Public Hearing relating to the use 2013/2014 Budget. There being no discussion, the hearing was closed.

CONSENT AGENDA ITEMS

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of Warrants
- D. Minutes, Regular Meeting of April 10, 2013
- E. Minutes, Special Meeting of April 24, 2013
- F. Interdistrict Attendance Agreement Requests 2012/2013
- G. Interdistrict Attendance Agreement Requests 2013/2014
- H. May Grisham Early Learning Center Program Self Evaluation Annual Report

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to approve Consent Agenda Items A through H, as submitted. Vote: 4 Ayes, 1 Absent

ITEMS SCHEDULED FOR ACTION

It was moved by Liz Phillips, seconded by Rob Buchanan and carried to accept the gifts and directed that a letter of acceptance and appreciation be forwarded to Beth Karamitsos, Darrell Black, Irma Cortez and Rabobank. Vote: 4 Ayes, 1 Absent

Marysia presented the 2013/2014 District Budget. It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adopt the 2013/2014 Budget and approve the document as presented. Vote: 4 Ayes, 1 Absent

It was moved by Rob Buchanan, seconded by Liz Phillips and carried to adopt 2012/2013 Resolution No. 16, Education Protection Account (EPA) 2013/3014, as submitted. Vote: 4 Ayes, 1 Absent

It was moved by Bob Hatch, seconded by Liz Phillips and carried to approve the \$0.25 meal price increase for the child nutrition program as proposed. Vote: 4 Ayes, 1 Absent

It was moved by Rob Buchanan, seconded by Liz Phillips and carried to adopt Board Policy 6163.1, Library Media Centers for first reading and that it is placed on the next Consent Agenda for second reading. Vote: 4 Ayes, 1 Absent

It was moved by Liz Phillips, seconded by Bob Hatch and carried to approve the Brandman University Supervised Fieldwork Agreement for the period May 1, 2013 through April 30, 2018, as submitted. Vote: 4 Ayes, 1 Absent

It was moved by Rob Buchanan, seconded by Bob Hatch and carried to adopt 2012/2013 Resolution No. 18, Classified Layoffs, as submitted. Vote: 4 Ayes, 1 Absent

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

The Board Financial Report was presented. Marysia reported that all items were within budget. Bob Bush, Bob Hatch and Jan Zilli attended the Quarterly Schools Meeting earlier in the day.

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next Regular Board Meeting is scheduled for Wednesday, August 14, 2013 beginning with Public Session at 7:15 p.m.

ADJOURN TO CLOSED SESSION

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adjourn the meeting to Closed Session at 9:07 p.m.

RECONVENE TO PUBLIC SESSION

Ms. Zilli reported that in Closed Session the Board took action to reject a claim against the District filed by Jeffrey Stulberg.

ITEMS SCHEDULED FOR ACTION

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to approve the Superintendent's contract for one year. Vote: 4 Ayes, 1 Absent

It was moved by Liz Phillips, seconded by Rob Buchanan and carried to approve the contract for Don Nicholson, Assistant Superintendent/Human Resources for the period July 1, 2013 to June 30, 2017. Vote: 4 Ayes, 1 Absent

It was moved by Rob Buchanan, seconded by Liz Phillips and carried to approve the hiring of Julie Kozel as principal for Joe Nightingale School for the 2013/2014 school year. Vote: 4 Ayes, 1 Absent

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to approve the hiring of Jeneé Severance as principal for Alice Shaw School for the 2013/2014 school year. Vote: 4 Ayes, 1 Absent

ADJOURN

It was moved by Bob Hatch, seconded by Liz Phillips and carried to adjourn the meeting at 10:25 p.m.

Bob Bush, Board Secretary

Dr. James Peterson, Clerk, Board of Trustees

**ORCUTT UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL MEETING
August 9, 2013**

CALL TO ORDER

A special meeting of the Board of Trustees of the Orcutt Union School District was held on Friday, August 9, 2013 beginning with Ms. Zilli calling Public Session to order at 8:06 a.m. Dr. Peterson led the Pledge of Allegiance. Members present: Zilli, Hatch, Buchanan, Peterson and Phillips. Absent: None. Administrators present: Bush and Ochej. Others present: Pat Brickey and Carol Torres. The regular board meeting scheduled for August 14, 2013 is being rescheduled to August 21st due to conflicts by several board members.

Superintendent Bush reported that enrollment numbers are up by about 97 students. The Orcutt Academy High School enrollment is up 32 students. Enrollment in the sophomore and freshman classes has reached approximately 150 students per class. The Board would like to cap the high school enrollment at 600 students. Hannah Rubalcava, Orcutt Children's Arts Foundation (OCAF) Executive Director, will be placed on the Superintendent's Report each month to keep the Board updated on the organization's activities.

Education Code requires that not later than 45 days from the Governor signing the annual Budget Act, the District must make available for public review any revisions in revenues and expenditures that it has made to its budget to reflect the funding made available by the Budget Act. Assistant Superintendent of Business Services, Marysia Ochej, presented the additional revenue and expenditures.

It was moved by Rob Buchanan, seconded by Bob Hatch and carried to approve the additional revenue and expenditures, as presented.

OEA representative, Pat Brickey, thanked the Board for their approval of the \$200,000 expenditure for student counseling services. He feels this will provide greatly needed services for our students. He also reported that he attended a workshop put on by School Services and the San Luis County Education Office with guest speaker, Jack O'Connell.

It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adjourn to Closed Session at 9:20 a.m.

Public Session reconvened at 10:15 a.m. and Jan Zilli reported that no action was taken in Closed Session.

A study session followed focusing on the review and development of the Board's goals for 2013/2014. It was moved by Bob Hatch, seconded by Rob Buchanan and carried to adjourn the meeting at 11:30 a.m.

Bob Bush, Board Secretary

Jim Peterson Clerk, Board of Trustees



ORCUTT UNION SCHOOL DISTRICT

INTERDISTRICT ATTENDANCE AGREEMENT REQUESTS

2013/2014 Academic School Year

Current Monthly Requests

August 21, 2013

Staff recommends the Board approve the following InterDistrict Attendance Agreement Requests:

School	New	OUSD Relocated	Sibling	Renew	Leave
Alice Shaw		6	3	4	1
Joe Nightingale			2	3	
Olga Reed					17
Patterson Road		5			
Pine Grove		1	1		
Ralph Dunlap					
Lakeview JH		3		1	
Orcutt JH		1		2	
Total	0	16	6	10	18

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

School	Enter	Leave
Alice Shaw	1	
Joe Nightingale	1	
Olga Reed		
Patterson Road		
Pine Grove		
Ralph Dunlap		
Lakeview JH		
Orcutt JH		
Total	2	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	6	4	10	6	0	0	2	5	4	4	2	4					24	23
1	8	8	6	5	1	1	2	2	4	2	3	4					24	22
2	5	7	9	4	0	0	6	1	2	4	7	4					29	20
3	7	3	8	9	1	0	4	7	6	3	4	4					30	26
4	9	3	10	4	3	0	6	0	3	4	7	5					38	16
5	10	4	15	5	1	0	6	2	5	2	11	3					48	16
6	12	3	11	4	1	0	5	2	7	5	2	1					38	15
7					2								26	12	22	6	50	18
8					0								44	12	19	8	63	20
Subtotal	57	32	69	37	9	1	31	19	31	24	36	25	70	24	41	14	344	176
Total	89		106		10		50		55		61		94		55		520	



Educational Services

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

TO: Bob Bush, Superintendent
FROM: Holly Edds, Assistant Superintendent Ed.Services
BOARD MEETING DATE: August 21, 2013
BOARD AGENDA ITEM: CONSOLIDATED APPLICATION
Application for Funding

The Consolidated Application is used by the CDE to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded schools throughout California. CDE has converted to a new online reporting system and the new requirements include approval of the Application for Funding by the local governing board in order to seek categorical funding.

RECOMMENDATION: Staff recommends that the Board of Trustees Approves Application for Funding for the Consolidated Application.

FUNDING: State and Federal Categorical Budgets

2013-14 Application for Funding

CDE Program Contact:

Anne Daniels, Education Data Office, adaniels@cde.ca.gov, 916-319-0640

Local Governing Board Approval

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

Date of approval by local governing board	08/14/2013
---	------------

District English Learner Advisory Committee (DELAC) Review

Per Title 5 of the California Code of Regulations Section 11308, if your district has more than 50 English learners the district must establish a District English Learner Advisory Committee (DELAC) and involve them in the application for funding for programs that serve English learners.

DELAC representative's full name	Francisca Barraza
DELAC review date	05/16/2013
Meeting minutes web address Please enter the web address of DELAC review meeting minutes. If a web address is not available, the LEA must keep the minutes on file which indicates that the application is approved by the committee.	www.orcutt-schools.net
DELAC comment If an advisory committee refused to review the application, or if DELAC review is not applicable, enter a comment.	

Application for Categorical Programs

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

Economic Impact Aid EC 54000 SACS 7090, 7091 By applying for Economic Impact Aid funds the LEA is agreeing to comply with the assurances posted at http://www.cde.ca.gov/fg/aa/co/ca12asstoc.asp .	Yes
Title I Part A (Basic Grant) ESEA Sec. 1111 et seq. SACS 3010	Yes
Title I Part D (Delinquent) ESEA Sec. 1401 SACS 3025	No
Title II Part A (Teacher Quality)	Yes

aw

 6/19/13

2013-14 Application for Funding

CDE Program Contact:

Anne Daniels, Education Data Office, adaniels@cde.ca.gov, 916-319-0640

ESEA Sec. 2101 SACS 4035	
Title III Part A LEP	Yes
ESEA Sec. 3102 SACS 4203	

Orcutt Union School District

Orcutt, California, County of Santa Barbara

2013/2014 Resolution No. 1
For the 2013/2014 School Year

RESOLUTION for ORCUTT UNION ELEMENTARY SCHOOL DISTRICT EARLY LEARNING CENTER

WHEREAS, the Orcutt Union School District has received funding from the State Department of Education to provide state preschool program services beginning January, 2001; and

WHEREAS, the state preschool program will be called May Grisham Early Learning Center; and

WHEREAS, in order to provide services at the preschool, an application for a Child Care Center License must be obtained through the State of California Community Care Licensing Division; and

WHEREAS, a representative must be designated to represent the Orcutt Union School District on all matters regarding obtaining and maintaining the license for the school;

THEREFORE BE IT RESOLVED, that Dr. Holly Edds be designated to act as the Orcutt Union School District representative on all matters regarding obtaining and maintaining the license for the Orcutt Union Elementary School District Early Learning Center; and

THEREFORE BE IT FURTHER RESOLVED, Dr. Holly Edds be approved as the authorized person at the facility to represent the facility and to accept reports of licensing visits, consultations, accusations and documents of civil and administrative process and to sign these transactions for the Governing Board. In her absence, we authorize her to delegate these responsibilities to the site supervisor, Shelley Robertson, when necessary.

PASSED AND ADOPTED THIS 21st day of August, 2013 at a regular meeting, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Attest:

Superintendent
Robert Bush

Date

Clerk / Board of Trustees
Dr. James Peterson

Date

ORCUTT UNION SCHOOL DISTRICT
Administrative and Management Agreement
Effective July 1, 2013

- A. The terms of this agreement shall be in effect until June 30, 2014. Compensation will be determined by the Board of Trustees prior to the start of school each year. The 2013/14 Certificated Management or Classified Management Salary Schedules is attached.
- B. The work year for all positions covered by this agreement shall be as stated in Appendix A, Certificated Management Salary Schedule and Appendix B, Classified Management Salary Schedule.
- C. Longevity increases shall be awarded to certificated management personnel after their 16th, 19th, 22nd, and 24th years in the district. Longevity increases shall be awarded to classified management after their 16th, 19th, 22nd and 24th years in the district per the Classified Management Salary Schedule attached. Current classified management who have not reached the first increment of this schedule will continue to receive classified longevity per the CSEA Classified Salary schedule until such time as they qualify to return to the Management Schedule.
- D. An additional \$1,000 shall be added to the salary benefits for management employees holding an earned Doctorate Degree.

- E. Intra-district mileage allowances per year will be as follows:

Principals	\$1100
Psychologists	\$1050
Other Classified and Certificated Directors	\$800-\$2400

- F. Cell phone reimbursement allowances per year will be as follows:

Administrators, Management, Classified & Certificated Director \$180-\$900-600

- G. Medical coverage is as follows:

- 1. Blue Cross
- 2. Delta Dental coverage for single, 2-party or family based on the selected plan.
- 3. The District agrees to provide vision care (Vision Service Plan) through SISC at the same benefit level provided in the 2012/13 school year. Dependent coverage is available; however the District's premium payment for VSP (Vision Service Plan) including dependent coverage is limited to that for the single rate at the current level.
- 4. Cancer and catastrophic care for family.
- 5. \$50,000 life insurance policy.

- H. Leave allocations follow the bargaining unit contracts.
- I. Extended Sick Leave
If a certificated administrative or management employee is absent from his/her duties on account of illness or accident for a period of five school months or less, he/she shall receive compensation of fifty (50) percent of his/her salary (Education Code 44983). The five month period shall run consecutively with the use of sick leave days.
- J. The terms of this agreement are subject to the availability of funds.
- K. If mutually agreed between the Board of Trustees and the management team, this contract is subject to yearly review.

*For Management employees hired after July 1, 2005, medical benefits will be 80% paid by the district for two party and family coverage and 100% for single coverage.

Adopted by the Board of Trustees August 21, 2013

Bob Bush, District Superintendent

ORCUTT UNION SCHOOL DISTRICT

CONFIDENTIAL EMPLOYEES' AGREEMENT

Effective July 1, 2013

1. The terms of this agreement shall be in effect until June 30, 2014. Compensation will be determined annually by the Board for school each year.
2. The work year for the confidential positions identified below shall be as specified, inclusive of paid holidays in accordance with the California School Employees Association, Chapter #255 Contract (Association Contract) and paid vacation and leaves as indicated.

POSITION	WORK YEAR (# of Days)	VACATION (# of Days)
Senior Administrative Secretary for the Superintendent	261	Per Association Contract
Administrative Secretary for the Assistant Superintendents in Business Services and Human Resources	261	Per Association Contract

3. A 15% difference between the Senior Administrative Secretary's salary and the Administrative Assistants' salaries will be maintained.
4. A 5% difference between the two Confidential Administrative Assistants and the Administrative Assistants category of the CSEA Salary Schedule shall be maintained. It is understood that this differential will increase if confidential employees receive a compensation adjustment higher than that received by the classified bargaining unit. It is further understood that confidential employees will not receive a smaller differential than the previous year.

Longevity increments will be compensated per Association Contract.

5. Medical and dental insurance plans will be compensated one-hundred percent (100%)* for confidential employees and dependents.

*For Confidential employees hired after July 1, 2005, medical benefits will be 80% paid by the District for two party and family coverage and 100% for single coverage.

6. The terms of this agreement are subject to the availability of funds.

7. In accordance with 1975/76 Resolution #J, Confidential Designation Under the Rodda Act, adopted by the Board of Trustees on March 10, 1976, benefits and compensation for confidential employees shall be not less than those received by members of the basic classified unit. The District agrees to provide vision care (Vision Service Plan) through SISC at the same benefit level and rate provided in the 2011/12 school year. Dependent coverage is available; however the District's premium payment for VSP (Vision Service Plan) including dependent coverage is limited to that for the single rate.
8. Application of compensation is separate, distinct, and not tied to the Association Contract. Percentage increases for confidential employees shall not be less than percentage increases received by members of the classified bargaining unit.
9. If mutually agreed between the Board of Trustees and the confidential employees, this contract is subject to yearly review.

Adopted by the Board of Trustees August 21, 2013.

Bob Bush, District Superintendent



ORCUTT UNION SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Joe Nightingale School Date: 06-06-13

DONOR: Name: Ken Parker / David and Marie Kirby / Santa Maria South Rotary Club
Address: 4785 Kenneth Ave, Santa Maria, CA. 93455
Phone No. 805-478-2662

GIFT: Item Donated Library Book or Cash Donation \$ _____
(Fill in if money is donated)
Designated for: Library
General Description: Breaking Through by Francisco Jimenez
Model No.: N/A Condition: New Used
Value (estimated): unk
Purpose of Gift: Library book
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: Library Book

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? None
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs?
If yes, what type?
N/A

Acceptance Requested By (OUSD Staff Member): Terry Garnica, Office Manager
Acceptance Approved By (Administrator): Don Nicholson, Principal
RECOMMENDATIONS: Principal or District Representative _____

BOARD ACTION: Date Accepted: _____ Date Denied: _____

Please submit request to the Superintendent's Office.

(If denied, explanation is on reverse side of this form.)



ORCUTT UNION SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Ralph Dunlap Elementary School Date: 06/03/2013

DONOR: Name: Altrusa
Address: 4485 Cuttlebon Ct.
Phone No. 937-2864

GIFT: Item Donated _____ or Cash Donation \$ 650.00
(Fill in if money is donated)
Designated for: Libaray
General Description: _____
Model No.: _____ Condition: New Used
Value (estimated): _____
Purpose of Gift: _____
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: _____

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

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

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

BOARD ACTION: Date Accepted: _____ Date Denied: _____

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



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM: *MO* Marysia Ochej
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Appreciation to Scott Fina for Donation of Time

BACKGROUND: Throughout the 2012-13 school year Mr. Scott Fina volunteered to be part of the safety evaluation team that did “surprise emergency drills” throughout the district. Mr. Fina is a parent of twins at Patterson School. As a community member with a background in law enforcement and safety he contributed immensely to our mission to improving disaster preparedness. Mr. Fina donated his time, shared his experience, provided thoughtful questions and offered suggestions for improvement. It was very helpful to have an individual with his knowledge and background available to assist us with the drills. The District is fortunate to have community members so willing to give freely of their expertise.

RECOMMENDATION: Staff recommends a “Thank you” letter to be sent on behalf of Orcutt Union School District from the Board of Trustees.

FUNDING: N/A



500 Dyer Street
Orcutt, CA 93455
Ph 805.938.8966
Fax 805.938.8968
Tax ID #03-0463467

TO: Bob Bush, Superintendent
FROM: Amy Curti, OCAF President
RE: 2013/2014 Orcutt Children's Arts Foundation Officers

The Orcutt Children's Arts Foundation is submitting their 2013/2014 Officers for approval by the Orcutt Union School District Board of Trustees.

President: Amy Curti
Vice-President: Allison Smith
Secretary: Wendy Steller
Treasurer: Tom Apkarian



Educational Services

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

TO: Board of Trustees

FROM: Bob Bush
Superintendent

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Board Bylaw 9220 - Board Elections

BACKGROUND: Bylaw updated to reflect new law (AB 2410, 2012) which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any of these crimes. Bylaw also adds section which addresses the methods of electing board members.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BB 9220

FUNDING: No funding implications.

BOARD ELECTIONS

Any person is eligible to be a Board of Trustees member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. **Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law.**

(Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Electing Board Members

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principals in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

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

(cf. 9005 – Governance Standards)

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidate statements shall be limited to no more than 200 words. *(Elections Code 13307)*

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. *(Education Code 5016)*

Legal Reference:

EDUCATION CODE

1006 *Qualifications for holding office, county board of education*

5000-5033 *Elections*

5220-5231 *Elections*

5300-5304 *General provisions (conduct of elections)*

5320-5329 *Order and call of elections*

5340-5345 *Consolidation of elections*

5360-5363 *Election notice*

5380 *Compensation (of election officer)*

5390 *Qualifications of voters*

5420-5426 *Cost of elections*

5440-5442 *Miscellaneous provisions*

7054 *Use of district property*

35107 *Eligibility; school district employees*

35177 *Campaign expenditures or contributions*

35239 *Compensation of governing board member of districts with less than 70 ADA*

ELECTIONS CODE

1302 *Local elections, school district election*

2201 *Grounds for cancellation*

4000-4004 *Elections conducted wholly by mail*

10400-10418 *Consolidation of elections*

10509 *Notice of election by secretary*

10600-10604 *School district elections*

13307 *Candidate's statement*

13309 *Candidate's statement, indigency*

20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

1021 *Conviction of crime*

1097 *Illegal participation in public contract*

12940 *Nondiscrimination, Fair Employment and Housing Act*

81000-91014 *Political Reform Act*

PENAL CODE

68 *Bribes*

74 *Acceptance of gratuity*

424 *Embezzlement and falsification of accounts by public officers*

661 *Removal for neglect or violation of official duty*

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

COURT DECISIONS

Randall v. Sorrell, (2006) 126 S.Ct. 2479

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.ss.ca.gov>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM: *msb* Marysia Ochej,
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Discretionary Commercial Warrants Audit

BACKGROUND: The Santa Barbara County Education Office concluded that a continued emphasis on auditing 100% of commercial warrants of the larger districts is inefficient and does not take into consideration the concepts of risk assessment and cost/benefit. With a discretionary audit, significantly more time is available to audit the transactions with the highest risk.

The Santa Barbara County Education Office implemented a discretionary audit of commercial warrants for select school and community college districts, as allowed by Education Code Section 42636. On implementing discretionary audits, they audit:

- all travel claims; all credit card warrants; all revolving cash warrants; all warrants to independent contractors; all warrants related to public contracts; all other warrants greater than or equal to \$5,000, excluding utilities payments; and a random sample of 5% of the remaining warrants.

The County will continue to track errors and, if errors increase in number and severity, may revoke our district's eligibility to participate. They require us to complete the *Annual/Internal Control Questionnaire* and, if there are significant changes, may revoke our eligibility to participate. They also review the annual audit report by the external auditors for internal controls findings.

RECOMMENDATION: Staff recommends that the Board of Trustees authorize staff to renew the Memorandum of Understanding for Discretionary Commercial Warrants Audit.

FUNDING: None

**Memorandum of Understanding
for
Discretionary Commercial Warrants Audits**

Purpose of Agreement

This Memorandum of Understanding (MOU) is entered into this 21st day of August, 2013, by and between the Orcutt Union School District ("District") and the Santa Barbara County Education Office ("SBCEO") for the reduction of the SBCEO's audits of commercial warrants from 100 percent to audits of a selection of commercial warrants chosen at SBCEO's discretion.

Background

Education Code Section 42634 states that:

Each order drawn against the funds of a school district shall be numbered and shall state: (a) the particular fund or funds of the district against which it is drawn, (b) the amount of the payment to be made from each fund, and (c) the rate of salary and the period of service of any employee of the district for whom an order is issued for payment of salary or wages.

If drawn for any purpose other than the payment of salaries or wages of school district employees, the order shall be accompanied by an itemized bill showing the separate items and the price of each. Notwithstanding that requirement, if the county superintendent of schools determines that including an itemized bill with the order is impractical under the system of payment utilized, the itemized bill showing the separate items and the price of each shall instead be retained by the school district and shall be available for audit as directed by the county auditor.

In Santa Barbara County, the county auditor has delegated the responsibilities under this section to the SBCEO.

Education Code Section 42636(a) states that:

The county superintendent of schools may examine each order on school district funds transmitted to him or her, in the order in which it is received in his or her office. If it appears that the order is properly drawn for the payment of legally authorized expenses against the proper funds of the district, and that there are sufficient moneys in the fund or funds against which the order is drawn to pay it, the county superintendent shall endorse upon it "examined and approved," and shall, in attestation thereof, affix his or her signature and number and date the requisition and transmit it directly to the county auditor, in the order in which the order is received in his or her office. The county superintendent may prescribe alternative methods for districts determined to be fiscally accountable pursuant to Section 42650.

One of the responsibilities of the SBCEO per Education Code Section 42636(a) is to examine orders on school district funds to ensure the order is properly drawn. In the past, the SBCEO has required all districts to submit the authorizing documentation behind each order, including an itemized invoice from the vendor. SBCEO then audited the orders against the originating documentation.

SBCEO recognizes that there are widely varying levels of risk in the orders being audited. It is also sensitive to the workload of the larger districts with regard to copying

all itemized invoices. As a result, the SBCEO will audit a selection, including a random selection, of commercial warrants - as opposed to all commercial warrants - for districts that it determines are eligible.

Eligible School Districts

Eligible districts will be those districts whose ADA is 901 or greater for elementary districts, 901 or greater for high school districts or 1,501 or greater for unified districts and whose error rates have over time been found to be minimal and acceptable to the SBCEO. In addition, these will be districts where the business office staff – particularly the accounts payable staff – is experienced and whose employment with the district has been significant enough for SBCEO to assess the knowledge and accuracy of those preparing the district’s commercial warrants for payment.

It is understood and agreed that SBCEO will be relying on the internal control system of the district to ensure the validity and accuracy of those commercial warrants it will no longer be auditing. Therefore only those districts whose internal control systems are found by SBCEO to be operating as expected will be eligible.

General Roles and Responsibilities

In general, although SBCEO will be auditing and requiring supporting documents for a sampling of commercial warrants, the school district understands that it will be assuming filing and archiving responsibilities for all documents supporting these payments. Refer to the governing board resolution “Responsibility for Retention of Commercial Warrants Documentation.”

SBCEO will:

- develop an eligibility checklist to be completed by the district that will document the criteria for participation in the discretionary commercial warrants audits;
- develop an internal control questionnaire to be completed by the district that will allow SBCEO to objectively assess the district’s internal control system;
- determine the commercial warrants to be audited;
- provide the district with a prelist that indicates commercial warrants for which documentation will be required (although some warrants will be computer-selected and some selected by the district based on SBCEO guidelines);
- if any additional warrants are chosen for audit, provide the district with a listing of those warrants;
- not release any commercial warrants until the related documentation has been audited;
- discuss with the district any problems or issues that might threaten the district’s eligibility to participate in the discretionary commercial warrants audits; and
- send a letter to the district’s external auditor regarding the district’s participation in the discretionary audit process.

District will:

- acknowledge that it is ultimately responsible for the legality and accuracy for all of its commercial warrants;
- hold SBCEO harmless for the legality and accuracy of its commercial warrants;
- each year, complete the internal control questionnaire provided by SBCEO;
- allow SBCEO access to its documentation files – if deemed advisable by SBCEO - at a time mutually acceptable to both the district and the SBCEO;
- provide the commercial warrant documentation as requested;
- accept that, if it has a need to generate a second final prelist, the second prelist will be subject to a 100 percent audit;
- warrant by resolution of the governing board that it will be responsible for retaining the underlying documentation for all commercial warrants in an organized and secure manner for a minimum period of four years, three of which must be in a hard-copy format; and
- provide the SBCEO with a copy of the governing board minutes approving this Memorandum of Understanding.

Terms of the Agreement

This Memorandum of Understanding will be valid for a period of one year to be renewed each July 1 at the discretion of SBCEO. However, the Memorandum of Understanding may be terminated without cause by the SBCEO at any time by delivering a written notice of termination to the superintendent and governing board of the Orcutt Union School District.

IN WITNESS THEREOF, the parties hereto have caused this Memorandum of Understanding to be duly executed, such parties acting by their representatives being thereunto duly authorized.

By (Authorized Signature for District)

Marysia Ochej

Name (Printed or Typed)

Assistant Superintendent, Business Services

Title

Date

By (Authorized Signature for SBCEO)

Name (Printed or Typed)

Title

Date



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM:  Marysia Ochej
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: 2013/14 Resolution No. 2 Delegation of Authority to District Staff,

BACKGROUND: In order to proceed with normal District business, the Board must annually delegate which staff members may request expenditures, sign contracts and receive warrants.

RECOMMENDATION: It is recommended that the Board of Trustees approve the delegation of authority as submitted.

FUNDING: None

**Resolution of the Governing Board
Delegation of Governing Board Powers/Duties
Authority to make cash and budget transfers**

District: Orcutt Union School District

Whereas, Education Code Section 35161 provides that “The governing board of any school district may execute any powers delegated by law to it or to the district of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the district of which it is the governing board...;” and

Whereas, Education Code Section 35161 further provides that the governing board “...may delegate to an officer or employee of the district any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated;” and

Whereas, the governing board of the Orcutt Union School District recognizes that, while the authority provided in Education Code Section 35161 authorizes the board to delegate any of its powers and duties, the governing board retains the ultimate responsibility over the performance of those powers and duties; and

Whereas, the governing board further recognizes that where other Education Code provisions authorize a delegation of authority for a specific purpose, but impose restrictions on such delegated authority, these restrictions must be observed;

Now, Therefore, Be It Resolved that, in accordance with the authority provided in Education Code Section 35161, the governing board of the Orcutt Union School District hereby delegates to the following officers or employees of the district, the authority to make cash and budget transfers between and within district funds as necessary for the payment of obligations of the district effective from the date this resolution is passed through the year-end accrual phase without submitting the transfers as part of a specific board resolution.

Marysia Ochej, Asst. Supt. Business Svcs.

Authorized District Employee/Officer

Rebecca Holmes, Director, Fiscal Services

Authorized District Employee/Officer

Authorized District Employee/Officer

Authorized District Employee/Officer

Passed and Adopted this 21st day of August, 2013 by the following vote:

Ayes:

Noes:

Absent:

Abstain:


Reference: Ed. Code § 35161

_____ Board Secretary	_____ Date
--------------------------	---------------



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM:  Marysia Ochej
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Northern California Medi-Cal Administrative Services Joint Powers Authority, (NMAS-JPA) Contract

BACKGROUND: Accelify, our current vendor for our Medi-Cal Administrative Activities (MAA) program, sent us a letter on June 13th informing us that they will no longer be serving California clients. To fulfill their obligations they will be serving us until all of our invoices are paid and hope to have that process completed by December 2013.

Kern County, who is the Local Educational Consortium (LEC) that reviews our billings, signed an agreement with NMAS-JPA in January 2013. Six County Offices of Education make up the membership of the NMAS-JPA. Stanislaus County Office of Education serves as the administrative unit. The NMAS-JPA is a not-for-profit entity. They have 25+ trainers who are all prior school employees. In addition to live training, a web-based program is utilized for training clarification and materials along with a toll free number available from 7am to 5pm. Final fees typically fall between 2.3% and 3.0% for all NMAS-JPA services, which is almost half of what we currently pay now with Accelify.

Currently the NMAS-JPA is serving over 160 school districts and COE'S within the six member regions and has been responsible for assisting schools in receiving approximately \$150 million in MAA reimbursements.

RECOMMENDATION: Staff recommends that the Board of trustees approve the contract with NMAS-JPA as presented to continue to participate in the MAA program.

FUNDING: General Fund 01.



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM:  Marysia Ochej
Assistant Superintendent, Business Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Board Policy 3514.1, Hazardous Substances

BACKGROUND: In our continued effort to be current with district board policies, attached is policy 3514.1 for first reading. This policy has been reviewed by the School Boards Association legal counsel to comply with current requirements. This will bring us up-to-date with current practices and legalese.

Board Policy	Policy
3514.1	Hazardous Substances

RECOMMENDATION: Staff recommends that the Board of Trustees approve Board Policy 3514.1 as presented for first reading.

FUNDING: N/A

HAZARDOUS SUBSTANCES

The Board of Trustees recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored and regularly disposed of in a safe and legal manner.

The Governing Board desires to provide a safe school environment that protects students and employees from exposure to potentially hazardous substances that may be used in the district's educational program and in the maintenance and operation of district facilities and equipment.

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment. ~~and shall substitute less dangerous materials for hazardous substances.~~

Hazard Communication Program

The Superintendent or designee shall develop, implement and monitor a written hazard communication program in accordance with ~~state law~~ **8 CCR 5194**. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them.

Teachers shall instruct students about the importance of proper handling, storage, disposal and protection when using any potentially hazardous substance **in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.**

- (cf. 3510 - Green School Operations)
- (cf. 3514 - Environmental Safety)
- (cf. 3514.2 – Integrated Pest Management)
- (cf. 4119.42/4219.42 Exposure Control Plan for Bloodborne Pathogens)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5142 - Safety)
- (cf. 6161.3 - Toxic Art Supplies)

Legal Reference:

EDUCATION CODE

49340 Hazardous substances education

49341 Legislative findings

49401.5 Legislative intent; consultation services

49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal

FOOD AND AGRICULTURAL CODE

12981 Regulations re pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

CODE OF REGULATIONS, TITLE 8

339 List of hazardous substances

3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

5139-5230 Control of hazardous substances, especially

5154.1-5154.2 Ventilation

5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

5164 Storage of hazardous substances

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

5194 Hazard communication

CODE OF REGULATIONS, TITLE 22

67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2012

WEB SITES

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

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

Department of Industrial Relations, Cal/OSHA: <http://www.dir.ca.gov/dosh>

policy Adopted: 2/15/07

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy 5030

STUDENT WELLNESS

BACKGROUND: Policy updated for consistency with CSBA's publications *Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies* and *Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide* (both updated in fall 2012). Policy revises section on "Goals for Nutrition, Physical Activity, and Other Wellness Activities" to add language related to school gardens, summer programs as opportunities for nutrition education and physical activity, professional development, school health services, and bullying prevention. Section on "Nutritional Guidelines for Foods Available at School" adds notes on new nutrition standards for the National School Lunch and Breakfast Programs and the proposed federal rule regarding outside food sales, and includes new language on access to drinking water during mealtimes. Policy also revises suggested indicators for program evaluation.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 5030.

FUNDING: No funding implications.

Students

STUDENT WELLNESS

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

(cf. 1020 – Youth Services)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

(cf. 3555 – Nutrition Program Compliance)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 – School Health Services)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)

(cf. 6164.2 - Guidance/Counseling Services)

~~To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.~~

(cf. 1100 – Communication with the Public)

(cf. 1112 – Media Relations)

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District Sponsored Social Media)

(cf. 6020 – Parent Involvement)

School Health Council/Committee

The Superintendent or designee shall ~~permit~~ **encourage** parents/guardians, students, food services employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the

development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b)

Goals for Nutrition, Education and Physical Activity Goals, and other Wellness Activities

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that promote student wellness. (42 USC 8b)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

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

(cf. 6011 - Academic Standards)

(cf. 6142.7 – Physical Education and Activity)

(cf. 612.8 – Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program in ~~grades K-12~~ and, as appropriate, shall be integrated into other academic subjects in the regular educational program. ~~Nutrition education also may be offered through,~~ before- and after-school programs, **summer learning programs, and school garden programs.**

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 – Summer Learning Programs)

~~*(cf. 6142.8 – Comprehensive Health Education)*~~

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free give-aways, or other means.

(cf. 1325 – Advertising and Promotion)

All students ~~in grades K-12~~ shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and/or after-school programs, **summer learning programs,** programs encouraging students to walk or ~~bike~~ **bicycle** to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 – Safe Routes to School Program)

~~(cf. 6142.7—Physical Education)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)~~

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

~~(cf. 1330.1 – Joint Use Agreements)~~

Professional development shall be regularly offered to health education and physical education teachers, coaches, activity supervisors, food services staff, and other staff as appropriate to enhance their health knowledge and skills.

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

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and or other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

~~(cf. 1100 – Communication with the Public)
(cf. 1112 – Media Relations)
(cf. 1113 – District and School Web Sites)
(cf. 1114 – District-Sponsored Social Media)
(cf. 6020 – Parent Involvement)~~

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

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

~~(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination/Harassment)~~

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees. ~~Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231 – Staff Development)~~
~~(cf. 4331 – Staff Development)~~

Nutritional Guidelines for Foods Available at School

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

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

~~(cf. 3550 – Food Service/Child Nutrition Program)~~
~~(cf. 3552 – Summer Meal Program)~~
~~(cf. 3553 - Free and Reduced Price Meals)~~
~~(cf. 5141.27 – Food Allergies/Special Dietary Needs)~~
~~(cf. 5148 – Child Care and Development)~~
~~(cf. 5148.3 – Preschool/Early Childhood Education)~~

The Superintendent or designee shall provide access to free, potable water during meal times in the food service area in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

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

~~(cf. 3312 - Contracts)~~
~~(cf. 3550 – Food Service/Child Nutrition Program)~~
~~(cf. 3554 - Other Food Sales)~~
~~(cf. 5141.27 – Food Allergies/Special Dietary Needs)~~
~~(cf. 5148 – Child Care and Development)~~
~~(cf. 6300 – Preschool/Early Childhood Education)~~

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

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

Program Implementation and Evaluation

The Superintendent shall designate one or more district or school employees, as appropriate, to ensure that each school site complies with this policy. (42 USC 1758b)

(cf. 0500 - Accountability)

(cf. 3555 – Nutrition Program Compliance)

~~To determine whether the policy is being effectively implemented districtwide and at each district school, the following indicators shall be used~~ **The Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:**

1. Descriptions of the district's nutrition education, physical education, and health education curricula ~~by grade level~~ **and the extent to which they align with state academic content standards and legal requirements**
2. Number of minutes of physical education ~~instruction~~ offered at each grade span, **and the estimated percentage of class time spent in moderate to vigorous physical activity**
3. ~~Number and type of exemptions granted from physical education~~
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals **and snacks** served **in all district programs**, based on a sample of menus
6. Student participation rates in school meal **and/or snack** programs, **including the number of students enrolled in the free and reduced-price meals program** compared to **percentage number** of students eligible for ~~free and reduced-price meals~~ **that program**
7. ~~Number of sales of non-nutritious foods and beverages in fundraisers or other venues outside of the district's meal programs~~ **Extent to which foods sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with national standards**
8. ~~Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, teachers, before and after school program staff, and other appropriate persons~~

9. ~~Any other indicators recommended by the Superintendent and approved by the Board~~

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

Posting Requirements

Each school shall post the district's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-49548.3 Comprehensive nutrition services

49550-49561 Meals for needy students

49565-49565.8 California Fresh Start pilot program

49570 National School Lunch Act

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51795-51796.5 School instructional gardens

51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:

1751 Note Local wellness policy

1771-1791 Child Nutrition Act, including:

1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Increasing Access to Drinking Water in Schools, Policy Brief, March 2013

Mentoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

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

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

~~*Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007*~~

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

~~*Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007*~~

~~*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*~~

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten Through Grade Twelve, 2009

~~*Healthy Children Ready to Learn: A White Paper on Health, Nutrition, and Physical Education, January 2005*~~

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity, and Food Security in Afterschool Programs, March 2010

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide: A Self-Assessment and Planning Guide, 2005

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

Environment: A Guide to Local Action, 2000

WEB SITES

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

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

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

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

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):
<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

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

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

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

~~National School Boards Association: <http://www.nsba.org>~~

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

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

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

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

BP 5030 (h)

Policy Adopted: ~~01/11/2012~~ 8/14/13

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy 5131.2

BULLYING

BACKGROUND: Policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation, and bullying based on the characteristics covered within Education Code 234.1.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 5131.2

FUNDING: No funding implications.

Students

BULLYING

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention may be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and may be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)

School staff shall receive information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR ~~5145.7 – Sexual Harassment~~. AR 1312.3 – Uniform Complaint Procedures.

(cf. 1312.3 – Uniform Complaint Procedures)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages ~~sent to them~~ that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

~~If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material,~~ **When a student uses a social networking site or service to bully or harass another student,** the Superintendent or designee ~~also may~~ **shall** file a ~~complaint request~~ with the ~~Internet~~ **networking** site or service to **suspend the privileges of the student and to** have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

32282 *Comprehensive safety plan*

35181 *Governing board policy on responsibilities of students*

35291-35291.5 *Rules*

48900-48925 *Suspension or expulsion*

48985 *Translation of notices*

PENAL CODE

647 *Use of camera or other instrument to invade person's privacy; misdemeanor*

647.7 *Use of camera or other instrument to invade person's privacy; punishment*

653.2 *Electronic communication devices, threats to safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (e-rate)*

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy Adopted: ~~06/13/12~~ 8/14/2013

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy 5145.3

NONDISCRIMINATION/HARASSMENT

BACKGROUND: Policy updated to ensure compliance with CDE decision that uniform complaint procedures must be used to receive and investigate student complaints involving discrimination, harassment, intimidation, bullying based on the characteristics covered within Education Code 234.1.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 5145.3.

FUNDING: No funding implications.

NONDISCRIMINATION/HARASSMENT

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation and bullying of any student based on the student's actual race, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression, the perception of one of more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5137 – Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited discrimination, harassment, intimidation or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parent/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)
(cf. 4331 – Staff Development)

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 – Volunteer Assistance)
(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6145.2 – Athletic Competition)
(cf. 6164.2 – Guidance/Counseling Services)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21- Professional Standards)

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

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 – Freedom of Speech/Expression)

Grievance Procedures

~~The Board hereby designates~~ The following position(s) **is designated** as ~~Coordinator(s)~~ for Nondiscrimination to handle complaints regarding discrimination, **and harassment, intimidation, or bullying,** and **to answer** inquiries regarding the district's nondiscrimination policies:

Assistant Superintendent/Human Resources
500 Dyer Street
Orcutt, CA. 93455
(805) 938-8900

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator for Nondiscrimination, the principal, or any other staff member. **In addition, any student or school employee** who observes **any such incident of discrimination or harassment** should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying **or to whom such an incident is reported** shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the

Coordinator shall immediately investigate the complaint in accordance with ~~site-level grievance procedures specified in AR 5145.7 – Sexual Harassment~~ the district's uniform complaint procedures specified in AR 1312.3 0- Uniform Complaint Procedures.

(cf. 5145.7 – Sexual Harassment)

~~Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.~~

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of such behavior. The district's policy may also be posted on the district website or any other location that is easily accessible to students.

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District-Sponsored Social Media)

(cf. 6163.4 – Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

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

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

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

~~CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES~~

~~*California Student Safety and Violence Prevention – Laws and Regulations*, April 2004~~

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

California Safe Schools Coalition: <http://www.casafeschools.org>

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

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy Adopted: ~~09/12/2012~~ 8/14/2013

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy 6112

SCHOOL DAY

BACKGROUND: Policy updated to include material regarding the length of the school day for students with disabilities.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6112.

FUNDING: No funding implications.

SCHOOL DAY

The Board of Trustees shall fix the length of the school day subject to the provisions of law. (Education Code 46100)

(cf. 6111 - School Calendar)

The length of the school day shall apply equally to students with disabilities unless otherwise specified in the student's individualized education program or Section 504 plan.

(cf. 6159 – Individualized Education Program)

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

In establishing the daily instructional schedule for each secondary school, the Superintendent or designee shall ~~schedule class periods giving~~ give consideration to course requirements and curricular demands, availability of school facilities, ~~the age and attention span of students,~~ and applicable legal requirements.

The Board encourages flexibility in scheduling so as to provide longer time blocks or class periods when appropriate and desirable to support student learning, provide more intensive study of core academic subjects or extended exploration of complex topics, and reduce transition time between classes.

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

8970-8974 *Early primary program, including extended-day kindergarten*

37202 *Equal time in all schools*

37670 *Year-round schools*

46010 *Total days of attendance*

46100 *Length of schoolday*

46110-46119 *Kindergarten and elementary schools (day of attendance)*

46140-46147 *Junior high school and high school (day of attendance)*

46160-46162 *Alternative schedule - junior high and high school*

~~46170 - Minimum day - continuation schools~~

~~46180 - Opportunity schools (minimum day)~~

~~46190-46192 - Adult school (day of attendance)~~

46200-46206 *Incentives for longer instructional day and year*

48200 *- Compulsory attendance for minimum school day*

48800-48802 *- Concurrent enrollment in community college*

51222 *- Physical education, instructional minutes*

51760-51769.5 *- Work experience education*

52326 *Minimum school day for regional occupational center and programs*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

Kindergarten Information, June 7, 2002

NATIONAL ASSOCIATION FOR SPORT AND PHYSICAL EDUCATION POSITION STATEMENTS

Recess for Elementary School Students, 2006

STATE BOARD OF EDUCATION POLICY STATEMENTS

99-03 Physical Education (PE) Requirements for Block Schedules, July 2006

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

The Uses of Time for Teaching and Learning, October 1996

Extending Learning Time for Disadvantaged Students, August 1995

NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING PUBLICATIONS

Prisoners of Time, April 1994

WEST ED PUBLICATIONS

Full-Day Kindergarten: Expanding Learning Opportunities, Policy Brief, April 2005

WEB SITES

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

National Association for Sport and Physical Education: <http://www.aahperd.org/naspe>

State Board of Education: <http://www.cde.ca.gov/re/lr/wr/waiverpolicies.asp>

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

WestEd: <http://www.wested.org>

Policy Adopted: 12/13/06 8/14/13

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy 6159.2

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

BACKGROUND: Policy updated to reflect new law (SB 121, 2012) which prohibits the referral of a student with a disability to, or placement in, a nonpublic nonsectarian school without the student's individualized education program team's agreement. Policy also adds material on out-of-state placements, applications for state waivers of legal requirements, and district verification of the school/agency's certification to provide special education and related services.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6159.2.

FUNDING: No funding implications.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Board of Trustees recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency to meet the students' needs.

~~The Board of Trustees may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.~~

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

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

~~(cf. 3541.2 – Transportation for Students with Disabilities)~~

~~(cf. 4112.23 – Special Education Staff)~~

~~(cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities)~~

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

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

~~(cf. 6164.4 – Identification of Individuals for Special Education)~~

~~When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.~~

In selecting nonpublic, sectarian schools or agencies with which the district may contract for placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

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

No district student shall be placed in a nonpublic, nonsectarian school or agency unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the nonpublic, nonsectarian school or agency placement is appropriate for the student. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are

generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)

(cf. 6159 – Individualized Education Program)

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

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

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her IEP.

Legal References:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

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

56101 Waivers

56163 Certification

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

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:

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

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.400-300.487 Children with disabilities in private schools

COURT DECISIONS

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

Management Resources:

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 – Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

*US Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/offices/OSERS>*

Policy Adopted: ~~12/13/06~~ 8/14/13

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: August 21, 2013

BOARD AGENDA ITEM: Board Policy & Administrative Regulation 6172
GIFTED AND TALENTED STUDENT PROGRAM

BACKGROUND: The Orcutt School District no longer has a Gifted and Talented Student Program largely due to state budget reductions and Tier III flexibility.

RECOMMENDATION: It is recommended that the Board of Trustees take action to repeal BP 6172

FUNDING: No funding implications.

Instruction

~~GIFTED AND TALENTED STUDENT PROGRAM~~

~~The Board of Trustees believes that all students deserve an education that challenges them to meet their fullest potential. The Board shall provide gifted and talented students in grades K-12 opportunities for learning commensurate with their particular abilities and talents.~~

~~(cf. 0200 – Goals for the School District)
(cf. 0420.1 – School-Based Program Coordination)
(cf. 6000 – Concepts and Roles)~~

~~The Board shall approve a district plan for gifted and talented education (GATE) which meets criteria established by the State Board of Education for program approval.~~

~~The district's program shall be designed to provide articulated learning experiences across subjects and grade levels and shall be aligned with and extend the state academic content standards and curriculum frameworks.~~

~~(cf. 6011 – Academic Standards)
(cf. 6142.7 – Physical Education)
(cf. 6142.8 – Comprehensive Health Education)
(cf. 6142.91 – Reading/Language Arts Instruction)
(cf. 6142.92 – Mathematics Instruction)
(cf. 6142.93 – Science Instruction)
(cf. 6178 – Career Technical Education)~~

Identification of Gifted and Talented Students

~~Students may be identified for the GATE program on the basis of demonstrated or potential abilities in any one or more of the following categories: (Education Code 52202; 5 CCR 3822)~~

- ~~1. — Intellectual Ability: The student demonstrates extraordinary or potential for extraordinary intellectual development.~~
- ~~2. — High Achievement: The student consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests.~~

~~(cf. 0410—Nondiscrimination in District Programs and Activities)
(cf. 6142.6—Visual and Performing Arts Education)~~

Instructional Components

~~The district's GATE program may include special day classes, part-time groupings, and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. This program may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration, postsecondary education, and enrichment. (Education Code 52206; 5 CCR 3840)~~

~~(cf. 5123—Promotion/Acceleration/Retention)
(cf. 6141.5—Advanced Placement)
(cf. 6146.11—Alternative Credits Toward Graduation)
(cf. 6158—Independent Study)
(cf. 6172.1—Concurrent Enrollment in College Classes)
(cf. 6176—Weekend/Saturday Classes)
(cf. 6177—Summer School)~~

~~GATE students may regularly participate, on a planned basis, in special counseling or instructional activity during or outside of the regular school day in order to benefit from additional educational opportunities not provided in the regular classroom. (5 CCR 3840)~~

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

~~In addition, the district may provide specialized services designed to assist underachieving, linguistically diverse, culturally diverse, and/or economically disadvantaged GATE students to achieve at levels commensurate with their abilities. (5 CCR 3840)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)
(cf. 6174—Education for English Language Learners)~~

~~The district's GATE program shall include an academic component and, as appropriate, instruction in basic skills for each student. (Education Code 52206)~~

~~Staff development shall be provided to support teachers of GATE students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.~~

~~(cf. 4131—Staff Development)~~

Program Evaluation

The Board shall annually review the progress of students enrolled in the district's GATE program and administration of the program using methods identified in the district's GATE plan, and may require modifications in the program as indicated by the results of this review. (5 CCR 3831)

- (cf. 0500--Accountability)*
- (cf. 6162.5--Student Assessment)*
- (cf. 6162.51--Standardized Testing and Reporting Program)*
- (cf. 6162.52--High School Exit Examination)*
- (cf. 6190--Evaluation of the Instructional Program)*

Legal Reference:

EDUCATION CODE

- 37223--Weekend classes for mentally gifted minors*
- 41500-41573--Categorical education block grants*
- 48800-48802--Enrollment of gifted students in community college*
- 51740--Instruction by correspondence*
- 51745-51749.3--Independent study programs*
- 52200-52212--Gifted and talented education program*
- 52800-52887--School Based Program Coordination*
- 64000--Categorical programs included in consolidated application*
- 64001--Single plan for student achievement, consolidated application programs*
- 76000-76002--Enrollment in community college*

CODE OF REGULATIONS, TITLE 5

- 1633--Instruction by correspondence*
- 3820-3870--Gifted and talented education program*

Management Resources:

CALIFORNIA ASSOCIATION FOR THE GIFTED PUBLICATIONS

- GATE Standards Workbook: A Guide to Design, Improve and Assess Gifted Programs, 2005*
- Meeting the Standards: A Guide to Developing Services for Gifted Students, 2002*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Gifted and Talented Education Program Resource Guide, rev. 2005*
- Recommended Standards for Programs for Gifted and Talented Students, rev. 2005*

WEB SITES

- CSBA: <http://www.esba.org>*
- California Association for the Gifted: <http://www.eagifted.org>*
- California Department of Education, Gifted and Talented Education: <http://www.ede.ca.gov/sp/gt>*
- Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>*
- National Association for Gifted Children: <http://www.nage.org>*

Policy Adopted: 4/8/09 _____ ORCUTT UNION SCHOOL DISTRICT

Oreutt, 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: August 21, 2013

BOARD AGENDA ITEM: Update to Local Educational Agency Plan

BACKGROUND: The original LEA Plan template was designed as a five-year plan, which was the expected duration of the current authorization of the Elementary and Secondary Education Act of 1965, known as the No Child Left Behind (NCLB) Act of 2001. Although Congress is holding hearings on reauthorization, it is impossible to predict when this will actually happen. LEAs are not required to send the revised plan to CDE, however they are required to review and update the plan and should be approved by the local school board and kept on file with the original plan.

The revised plan updates the programs currently in place, budget information, and student data as it relates to the goals of NCLB.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revisions to the LEA Plan.

FUNDING: No funding implications.



Educational Services

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

TO: Bob Bush, Superintendent

FROM Holly Edds, Assistant Superintendent Educational Services

BOARD MEETING DATE: August 21, 2013

BOARD AGENDA ITEM: Purchase of Intel-Assess Question Bank

BACKGROUND:

The implementation of the California Common Core State Standards has brought the opportunity to improve instruction in our district along with the need to learn an entire new set of standards and expectations for student learning. These new standards are not just a new list of tasks, but an entirely new way of learning for our students and teaching for our teachers.

In our work with Mike Mattos over the past year and a half, it has become increasingly clear our district does not currently have common formative assessments which enable teachers to determine what standards students have mastered nor do we have the data available to teachers for analysis. The addition of Aeries Analytics to our assessment system is a step in the right direction to providing data to teachers, but they still need to develop the assessments that are given to students. Writing questions and developing student tests that are aligned with the new pedagogy of the National Common Core State Standards is going to be challenging and while teachers have time during their PLC meetings to focus on this, they will be spending a significant amount of time developing questions rather than focusing on the mastery level of their students and determining how to ensure students are meeting the standards. Additionally, the art of writing a truly reliable and valid question that measures the standard accurately is difficult and most teachers are not able to grasp this concept easily.

Aeries has partnered with Intel-Assess, a company that will provide a question bank for teachers to use that is based on the standards. Teachers are able to search for questions connected to a standard, create a test that is standards based, and administer it to students relatively easily. Once students take the test, the test is scanned, graded, and recorded in Gradebook. Teachers have the ability to see not only individual student mastery, but also trends across their class(es) with regards to the standards. This is a very powerful tool that can provide depth to PLC conversations simply by providing the data in a useable format that is easy to use.



Educational Services

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Intel-Assess is a program that is an additional fee within Aeries Analytics. The cost for students in grades 2-12 is \$3.50/student and for K-1 is \$1.50/student.

Intel-Assess . . .

- Provides quality assessment content written to—not just aligned to—California standards
- Has items for every standard in the 4 core areas of Reading/ELA, Math, Science, History/SS
- Has complete coverage for Grades 2-12—with sufficient items per standard to support any assessment program
- Provides detailed distracter analysis and rationale for each item to facilitate effective intervention
- Varies the cognitive demand of questions within and across standards (Bloom's Taxonomy)
- Includes our Blueprint Generator that helps you create a yearly plan of action for assessment
- Integrates seamlessly with Aeries Analytics

The license fee includes:

- Implementation, planning, and training sessions
- Blueprint creation tool
- Test creation program
- Complete item bank for grades 2-12—ELA, Math, Science, Social Studies
- Writing prompts for a variety of genres for grades 2-12
- CST mirror tests
- *QUICK* Checks:
 - 5 item, single-standard, classroom ready test written specifically for California
 - Covering key standards in ELA 2-11 and Math 2-11 including Algebra I, Algebra II, and Geometry
 - Written to the same rigor as the CST
 - Authors must determine common student errors for each item for use as distracters
 - Complete rationales for each answer choice help teachers determine individual student needs
- Reading passages are short enough to be administered in a class period with time remaining for focused instruction



Educational Services

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- Double *QUICK* Checks have been written for standards that have at least 3 items on the CST

COMMON CORE TRANSITION PLAN—provided to customers at no additional charge

- Common Core *QUICK* Checks written for the rigor and text complexity of the Common Core State Standards (CCSS)
- Common Core Performance Tasks written to a constructed response format
- K-1 Performance Tasks—available for \$1.50 per student

We would need to determine the use in K-1 and whether the program would be worth the cost in those grade levels. If it has the ability to present questions that are based on CCCSS standards using the format of the new standards, it very well may be worth the investment.

The full cost would be:

Program	Grades	# Students	Cost
District	2-8	3441	\$12,044
Charter	2-8	117	\$410
Charter	9-12	585	\$2,048
District	K-1	824	\$1,236
Charter	K-1	35	\$53

The recommendation is to purchase Intel-Assess for District and Charter grades 2-8 initially, with the possibility of expanding to K-1 and 9-12 at a future time if the need exists and teachers request the additional purchase. The total cost for this proposal would be:

District	\$12,044
Charter	\$410

I am happy to set up a meeting with a sales representative to share more information at a later date if you would like.

Our work with Mike Mattos is centered around effective Tier 1 instruction, where 80% of our students master what is identified as essential standards the first time. This tool would enable teachers to quickly, and effectively measure student achievement and mastery and would provide data in a timely manner to be shared at PLC meetings. This tool would streamline



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

the amount of time necessary to develop the assessments, and the questions used in the assessment would provide valid and reliable data.

RECOMMENDATION: Staff recommends purchase of Intel-Assess

FUNDING: Funding will come from multiple sources of restricted funds including EIA, SLIP, and Common Core Implementation Funds

Board Report
District 16 -- Orcutt Union
Fund 01 -- General Fund

As of 7/31/2013

	Beginning Bal/ WrkBudget	Month-To-Date Actual	Year-To-Date Actual	Year-To-Date Encumbrances	Ending Bal/ Remaining Bal
9110 -- Cash in County Treasury	3,193,399.72	1,619,987.90	1,619,987.90	0.00	4,813,387.62
9130 -- Revolving Cash/Fiscal Agent	18,454.02	0.00	0.00	0.00	18,454.02
9200 -- Accounts Receivable	2,099,125.32	0.00	0.00	0.00	2,099,125.32
9310 -- Due from Other Funds	14,113.55	(14,113.55)	(14,113.55)	0.00	0.00
9320 -- Stores	13,927.06	0.00	0.00	0.00	13,927.06
9330 -- Prepaid Expenditures (Expenses)	24,134.40	(24,134.40)	(24,134.40)	0.00	0.00
Total Assets	5,363,154.07	1,581,739.95	1,581,739.95	0.00	6,944,894.02
9500 -- Accounts Payable (Current Liabilities)	180,448.48	(58,828.66)	(58,828.66)	0.00	121,619.82
9610 -- Due to Other Funds	14,075.01	(14,075.01)	(14,075.01)	0.00	0.00
Total Liabilities	194,523.49	(72,903.67)	(72,903.67)	0.00	121,619.82
Fund Balance (Beginning Balance/Actual)	5,168,630.58	0.00	0.00	0.00	6,823,274.20
9791 -- Net Beginning Balance	5,168,630.58	0.00	5,168,630.58	0.00	5,168,630.58
8010 -- Revenue Limit Sources	23,411,647.00	1,766,728.42	1,766,728.42	0.00	21,644,918.58
8100 -- Federal Revenue	1,315,323.00	0.00	0.00	0.00	1,315,323.00
8300 -- Other State Revenues	5,790,723.21	931,077.31	931,077.31	0.00	4,859,645.90
8600 -- Other Local Revenue	1,023,802.00	83,407.57	83,407.57	0.00	940,394.43
8910 -- Other Financing Sources	18,000.00	0.00	0.00	0.00	18,000.00
8980 -- Contributions	0.44	0.00	0.00	0.00	0.44
Total Revenues	31,559,495.65	2,781,213.30	2,781,213.30	0.00	28,778,282.35
1000 -- Certificated Personnel Salaries	16,349,597.21	210,402.38	210,402.38	0.00	16,139,194.83
2000 -- Classified Personnel Salaries	5,139,199.48	225,953.39	225,953.39	0.00	4,913,246.09
3000 -- Employee Benefits	6,248,209.92	59,017.02	59,017.02	0.00	6,189,192.90
4000 -- Books and Supplies	1,268,916.02	143,357.01	143,357.01	474,117.70	651,441.31
5000 -- Services and Other Operating Expenditures	2,251,986.12	433,232.89	433,232.89	1,374,340.91	444,412.32
6000 -- Capital Outlay	187,500.00	54,606.99	54,606.99	107,254.68	25,638.33
7000 -- Other Outgo & Transfers Out	495,484.05	0.00	0.00	0.00	495,484.05
Total Expenditures	31,940,892.80	1,126,569.68	1,126,569.68	1,955,713.29	28,858,609.83
Fund Balance (Budget/Actual)	4,787,233.43	0.00	6,823,274.20	0.00	0.00

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

Quarterly Report
on
Williams/Valenzuela Uniform Complaints
[Education Code § 35186]
2013

District: Orcutt Union School District

Name of person completing this form: Alice Salazar

Title of person completing this form: Administrative Assistant

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

August 21, 2013

Quarterly report submission date (check one):

April (Jan.—March)

July (April—June)

October (July—Sept.)

January (Oct.—Dec.)

General Subject Area	Total no. of complaints	No. of complaints resolved	No. of complaints unresolved
Textbooks and instructional materials	0		
Teacher vacancy or misassignment	0		
Facilities conditions	0		
Valenzuela/CAHSEE intensive instruction and services	0		
TOTALS	0	0	0

Margie Oshy
Signature of district superintendent

8/12/2013
Date