

ORCUTT UNION SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
Wednesday, October 10, 2012
Closed Session – 6:45 P.M.
Public Session – 7:15 P.M.
District Office Board Room
500 Dyer Street, Orcutt, CA 93455

CALL TO ORDER 6:45 P.M.

PUBLIC COMMENT ANNOUNCEMENT

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

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

CLOSED SESSION PUBLIC COMMENTS

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

ADJOURN TO CLOSED SESSION

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

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

RECONVENE TO PUBLIC SESSION 7:15 P.M.

- A. Pledge of Allegiance
- B. Public Report on Action Taken in Closed Session
- C. Superintendent's Report
An opportunity for the Superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities such as curriculum/instructional updates, timely events/information, and district activities.
 1. Retiree Honoree – Janice McDonald
 2. Pine Grove – First Five
 3. Security Student Data – Janet
 4. RTI Update and Overview - Holly

D. Public Comment

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

E. Written Communication

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

1. Approval of Fiscal Year 2012-13 Adopted Budget

F. Public Hearing – Textbook Sufficiency

Public Hearing – Grades 4-8 Class Size Reduction General Waiver Request

Public Hearing – Adoption of School Facilities Fee Increase

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 September 12, 2012
- E. Interdistrict Attendance Agreement Requests 2012/2013
- F. Board Policy 1312.3, Uniform Complaint Procedures for second reading
- G. Board Policy 5126, Awards for Achievement for second reading
- H. Board Policy 5117, Interdistrict Attendance for second reading
- I. Board Policy 5145.7, Sexual Harassment for second reading
- J. Board Policy 5112.3, Student Leave of Absence for second reading
- K. Board Policy 4140/4240, Bargaining Units for second reading
- L. Board Policy and Exhibit 4319.21, Professional Standards for second reading

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

Moved _____

Second _____

Vote _____

ITEMS SCHEDULED FOR ACTION

A. GENERAL

1. Acceptance of Gifts

Pine Grove School received the award winning books, A Sick Day for Amos McGee and Moon Over Manifest donated by the Rotary Club of Santa Maria Breakfast. Alice Shaw School received a donation of 12 computer set ups and 12 power cords from Denny Yoeman. The Rotary Club of Santa Maria Breakfast donated a copy of The Tale of Despereaux/All the World to Joe Nightingale School and Mr. Mario Corral and Andrea Buenrosto made a \$100 donation to Joe Nightingale School for classroom supplies. Ralph Dunlap School received two computers donated by Mr. Jeffrey Gultinan.

It is recommended that the Board of Trustees accept these gifts and that a letter of acceptance and appreciation be forwarded to Rotary Club of Santa Maria Breakfast, Denny Yoeman, Mario Corral, Andrea Buenrosto and Mr. Jeffrey Gultinan.

Moved _____ Second _____ Vote _____

2. Lakeview Jr. High School Trip to Monterey, CA.

It is recommended that the Board of Trustees approve the Lakeview Junior High School trip to Monterey, CA. December 5 – 7, 2012.

Moved _____ Second _____ Vote _____

B. BUSINESS

1. Board Policy 7214, General Obligation Bonds

Staff recommends that the Board of Trustees adopt Board Policy 7214, General Obligation Bonds for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

2. 2012/2013 Resolution No. 3, Adoption of School Facilities Fee Increase

It is recommended that the Board of Trustees adopt 2012/1013 Resolution No. 3, Adoption of School Facilities Fees, as submitted. A copy of the 2012 Developer Fee Justification Study Report is available for your review M-F from 7:30 a.m. to 4:30 p.m. at the District Office, 500 Dyer Street, Orcutt, CA.

Moved _____ Second _____ Vote _____

3. Grades K-3, Class Size Reduction Specific Waiver Renewal Request

Staff recommends that the Board of Trustees approve the waiver application as presented.

Moved _____ Second _____ Vote _____

4. Grades 4-8, Class Size Reduction General Waiver Request

Staff recommends that the Board of Trustees approve the waiver application as presented.

Moved _____ Second _____ Vote _____

C. CURRICULUM

1. 2012/2013 Resolution No. 5, Textbook Sufficiency

Staff recommends that the Board of Trustees adopt 2012/2013 Resolution No. 5, Textbook Sufficiency.

Moved _____ Second _____ Vote _____

2. Board Policy 6145, Extracurricular and Cocurricular Activities

It is recommended that the Board of Trustees approve Board Policy 6145 for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

D. PERSONNEL

1. 2012/2013 Resolution No. 6, Classified Layoff

It is recommended that the Board of Trustees adopt 2012/2013 Resolution No. 6, Classified Layoff.

Moved _____ Second _____ Vote _____

2. Board Policy 4121, Temporary/Substitute Personnel

Staff recommends that the Board of Trustees adopt Board Policy 4121, Temporary/Substitute Personnel for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

3. Board Policy 4112.9/4212.9/4312.9, Employee Notifications

Staff recommends that the Board of Trustees adopt Board Policy 4112.9/4212.9/4312.9, Employee Notifications for first reading and that it is placed on the next Consent Agenda for second reading.

Moved _____ Second _____ Vote _____

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

1. Board Financial Report
2. Williams/Valenzuela Quarterly Complaint Report
3. OCAF
4. Items from the Board

GENERAL ANNOUNCEMENTS

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, November 14, 2012, beginning with Closed Session beginning at 6:45 p.m., Public Session at 7:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA. A Special Curriculum Board Meeting will be held Wednesday, October 24, 2012 beginning at 6:00 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA.

ADJOURN

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

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



Santa Barbara County Education Office

4400 Cathedral Oaks Road, P.O. Box 6307, Santa Barbara, California 93160-6307
(805) 964-4711 • FAX: (805) 964-4712 • Direct Dial: 964-4710 plus extension


Service and Leadership • www.sbceo.org

August 15, 2012

SBAS-8475

TO: Orcutt Union School District

ATTENTION: Robert Bush, Superintendent

FROM: Gary J. Pickavet, Assistant Superintendent
Administrative Services 

SUBJECT: **Approval of Fiscal Year 2012-13 Adopted Budget
(Single Budget Adoption)**

As required by Education Code Section 42127, our office has reviewed your district's 2012-13 Adopted Budget. As a result of our analysis, I am pleased to notify you that your budget is approved as submitted.

We have conducted a detailed analysis of the budget using the best data available and have concluded it is consistent with the *State-Adopted Criteria and Standards*, or that there are reasonable and valid explanations for not meeting them.

According to Ed Code 42127(i)(4), "Not later than 45 days after the Governor signs the annual Budget Act, the school district shall 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 that Budget Act." Please provide these revisions to our office within 45 days after the Governor signs the budget.

If you have any questions, please feel free to contact me.

clc

cc: Marysia Ochej
Priscilla Diamond
District Financial Advisor



Santa Barbara County Education Office

4400 Cathedral Oaks Road, P.O. Box 6307, Santa Barbara, California 93160-6307
(805) 964-4711 • FAX: (805) 964-4712 • Direct Dial: 964-4710 plus extension


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August 15, 2012

SBAS-8476

Action Required

TO: Bob Bush, Superintendent
Orcutt Union School District

FROM: Priscilla Diamond, Administrator 

SUBJECT: **2012-2013 School District Budget**

Please note the items checked below which require your action:

- Certificated Salaries and Benefits Pending
- Classified Salaries and Benefits Pending

We note that 2012-2013 (certificated/classified) salaries and benefits for your district were not finalized at the time your Final Adopted Budget was adopted. In accordance with AB 1200 (Statutes of 1991, Chapter 1213) and Government Code 3547.5, please complete the *Public Disclosure of Collective Bargaining Agreements* form prior to board action of the proposed settlements and send a copy to this office.

Although only required by statute if a district has a qualified or negative interim report certification, it would be helpful if you submit the *Public Disclosure of Collective Bargaining Agreements* form to our office at least 10 days prior to board action. This will allow our office sufficient time to review the materials before ratification by the governing board.

For your convenience, a spreadsheet template of the form is available on the School Business Advisory Services website under the section called Forms and worksheets, District Advisory Services, then click on 2012-13 AB 1200 collective bargaining disclosure worksheet (rev. 8-13-12). Please call if you need help accessing the website.

If you have any questions about any of these items, please call your district financial advisor or me at extension 5237.

clc

c Rebecca Holmes, Director, Fiscal Services
District Financial Advisor

Classified Personnel Action Report
October 10, 2012

TO: Bob Bush
Superintendent

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

SUBJECT: RECOMMENDATIONS FOR APPROVAL AND RATIFICATION

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
Patterson Road	Inst Assistant I				09/21/12	Resignation
Child Nutrition	Child Nutrition Worker			\$9.66/hr	09/24/12	Substitute
Ralph Dunlap	Noon Duty Supervisor			\$10.71/hr	10/03/12	Regular Assignment
Patterson Road	Inst Assistant PE			\$10.56/hr	09/19/12	Substitute
District Office	Warehouse Worker/Delivery Driver			\$175/mo	11/01/12	Longevity – 20 years
Transportation	Bus Driver			\$150/mo	11/01/12	Longevity – 15 years
Lakeview Jr. High	Noon Duty Supervisor				10/01/12	Regular Assignment
Pine Grove	Inst Assistant PE			\$12.11/hr	09/25/12	Permanent/Probationary
Pine Grove	Inst Assistant PE			\$10.56/hr	09/06/12	Substitute
OAK-8	Office Manager			\$175/mo	12/01/12	Longevity – 20 years
Lakeview Jr. High	Noon Duty Supervisor			\$10.71/hr	09/14/12	Regular Assignment
Olga Reed	Custodian				09/17/12	Resignation
Transportation	Bus Driver			\$150/mo	11/01/12	Longevity – 15 years
Pine Grove	Custodian			\$200/mo	11/01/12	Longevity – 25 years
Joe Nightingale	Inst Assistant I			\$70/mo	09/01/12	(2) Professional Growth Increments
District	Custodian			\$11.55/hr	10/01/12	Substitute
District	Child Nutrition Worker			\$9.66/hr	10/05/12	Substitute
MOT	Maintenance Craftsperson			\$150/mo	11/01/12	Longevity – 15 years
Lakeview Jr. High	AVID Tutor			\$10.00/hr	09/15/12	Temporary Assignment 9/15/12-6/14/13
Campus Connection	Child Care Assistant				08/20/12	Termination

ORCUTT UNION SCHOOL DISTRICT

Certificated Personnel Action Report

TO: Robert Bush
District Superintendent

FROM: Jan Yanagisako
Assistant Superintendent, Human Resources

DATE: Board Meeting of October 10, 2012

RE: **RECOMMENDATIONS FOR APPROVAL AND RATIFICATION**

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Nightingale	Hourly	2012-13	Title 1, 18 hrs wk
Patterson	V-17	10/1/12	Job Share, 50%
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Shaw	Extra Duty	2012-13	Student Council Advisor
Dunlap	Extra Duty	8/14-8/16/12	WIAT Training & d Prep, 24 hrs
Nightingale	Stipend	2012-13	Teacher in Charge, split Yearbook Advisor
Nightingale	Stipend	2012-13	Teacher in Charge, split
Nightingale	Hourly	2012-13	Title 1, 2.5 hrs wk
Olga Reed	Hourly	9/5/12	Intervention, 15 hrs wk
District	Hourly	8/2-8/20/12	Technology, 44 hrs
District	Hourly	8/27-8/31/12	CELDT Testing, 20 hrs
Preschool	Hourly	8/2-8/15/12	ELC Enrollment, 11 hrs
Lakeview	Extra Duty	8/16/12	WIAT Training, 3.5 hrs
Orcutt	IV-2	2012-13	Units for Column Movement
Shaw	Extra Duty	2012-13	Lead Teacher, Second
District	Hourly	8/27-8/31/12	CELDT Testing, 13 hrs
Shaw	Extra Duty	2012-13	Lead Teacher, Sixth
Patterson	Extra Duty	8/16/12	WIAT Training, 3.5 hrs
District	Hourly	8/27-8/31/12	CELDT Testing, 13.5 hrs
Shaw	Extra Duty	2012-13	Lead Teacher, Kinder
Pine Grove	Hourly	9/10/12	PE, 24 hrs wk
Shaw	Extra Duty	2012-13	Lead Teacher, First

*To be prorated

<i>SCHOOL</i>	<i>CLASS/STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
District	Hourly	8/27-8/29/12	EIA Training, 9 hrs
Shaw	Extra Duty	2012-13	Lead Teacher, Third
Nightingale	Extra Duty	8/16/12	WIAT Training, 4 hrs
Olga Reed	VI-20 Stipend	2012-13	Completed units for column movement Teacher in Charge
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Nightingale	Hourly	2012-13	Title 1, 25 hrs wk
Olga Reed	Stipend	2012-13	Yearbook Advisor
Dunlap	Stipend Extra Duty	2012-13 8/16/12	Autism Authorization WIAT Training, 2.5 hrs
Shaw	Hourly	9/10/12	PE, 16 hrs wk
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
District	Hourly	8/27-8/31/12	CELDT Testing, 13.5 hrs
Patterson	Hourly	2012-13	ELD, 22 hr wk
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Shaw	Hourly	9/10/12	PE, 16 hrs wk
Olga Reed	Stipend	2012-13	Yearbook Advisor
Nightingale	Hourly	2012-13	Title 1, 22.5 hrs wk
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Shaw	Extra Duty	2012-13	Lead Teacher, Fourth
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Shaw	Stipend	2012-13	Yearbook Advisor
Patterson	Extra Duty	8/16/12	WIAT Training, 4 hrs
Patterson	V-2	10/1/12	Job Share, 50%
Nightingale	Hourly	2012-13	Title 1, 22 hrs wk
Nightingale	Hourly	2012-13	Title 1, 22.5 hrs wk
District	Hourly	8/7-8/28/12	District Support Services, 76 hrs
Lakeview	Extra Duty	8/16/12	WIAT Training, 4 hrs
Pine Grove	Extra Duty	2012-13	Tech Support
Nightingale	Hourly	2012-13	Title 1, 22.5 hrs wk
Nightingale	Extra Duty	8/16/12	WIAT Training, 4 hrs
Patterson	Hourly	2012-13	PE Teacher, 22 hr wk
Shaw	Extra Duty	2012-13	Lead Teacher, Fifth
Patterson	Hourly	2012-13	PE Teacher, 14 hr wk
District	Hourly	8/27-8/29/12	CELDT Training, 9 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
September 12, 2012**

CALL TO ORDER

A regular meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, September 12, 2012 beginning with Mr. Buchanan calling Public Session to order at 7:16 p.m. Members Present: Buchanan, Peterson, Hatch, Meissner and Zilli. Absent: None. Administrators Present: Bush, Ochej, Yanagisako and Edds. The Pledge of Allegiance was led by Bob Hatch. It was moved by Bob Hatch, seconded by Kathy Meissner and carried to hold Closed Session after the Public Session.

SUPERINTENDENT'S REPORT

Janet Bertoldi introduced her Technology Department staff and each gave a brief overview of their responsibilities. Marysia reported that the Seismic Evaluation Study process would take approximately 6 months and once the results have been received she will schedule a Board Workshop. She also reported on an easement issue at Lakeview Jr. High. Lana Thomas gave the Board an update on the services provided by Santa Maria Youth and Family and Fighting Back Santa Maria Valley. This is the final year of a five year grant with Fighting Back. Two schools are participating in Check, Connect and Respect.

CONSENT AGENDA ITEMS

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of Warrants
- D. Minutes, Special Meeting of July 24, 2012
- E. Minutes, Regular Meeting of August 1, 2012
- F. Minutes, Special Meeting of August 28, 2012
- G. Board Policy 5145.3, Nondiscrimination/Harassment for second reading
- H. Board Policy 4030, Nondiscrimination in Employment for second reading
- I. 2012/2013 Interdistrict Attendance Agreements
- J. Class Size Reduction Incentive Revenue
- K. Santa Ynez Valley People Helping People with Olga Reed K-8
- L. Hiring of Coaches for 1012/2013

It was moved by Jim Peterson, seconded by Jan Zilli and carried to approve Consent Agenda Items A through L, as submitted.

ITEMS SCHEDULED FOR ACTION

Acceptance of Gifts

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to accept the gift and directed that a letter of acceptance and appreciation be forwarded to the Santa Maria Chapter California Women for Agriculture.

Orcutt Children's Arts Foundation 2012/2013 Budget

It was moved by Bob Hatch, seconded by Jim Peterson and carried to approve the 2012/2013 Orcutt Children's Arts Foundation budget, as submitted.

Board Policy Updates

It was moved by Bob Hatch, seconded by Jan Zilli and carried to adopt Board Policy 1312.3, Uniform Complaint Procedures for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Jan Zilli, seconded by Kathy Meissner and carried to adopt Board Bylaw 9321, Closed Session Purposes and Agendas.

Board Strategic Goals 2012/2013

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to adopt the 2012/2013 Board Strategic Goals, as submitted.

Field Trips

It was moved by Jan Zilli, seconded by Jim Peterson and carried to approve the Olga Reed School 6th grade trip to Catalina Island Marine Institute on September 19-21, 2012.

2012/2013 Resolution No. 4

Dr. Peterson read the resolution to the audience. It was moved by Jan Zilli, seconded by Kathy Meissner and carried to adopt 2012/2013 Resolution No. 4, To Support Schools & Local Public Safety Protection Act and Our Children Our Future; Local Schools and Early Education Investment Act.

General Fund District Certification of Unaudited Actuals

Marysia gave a brief overview of the Unaudited Actuals. It was moved by Bob Hatch, seconded by Kathy Meissner and carried to approve and certify the Unaudited Actuals Finance Report, as submitted.

2012/2013 Resolution No. 2

It was moved by Kathy Meissner, seconded by Jan Zilli and carried to adopt 2012/2013 Resolution No. 2, GANN Limit Adoption and the 2011/2012 calculated appropriations limit, as submitted.

Board Policy Updates

Mr. Buchanan announced that Board Policy 7214, General Obligation Bonds and Board Policy 6145, Extracurricular and Cocurricular Activities would not be considered for action on the action agenda. They will be brought back to the Board at a future meeting.

It was moved by Bob Hatch, seconded by Kathy Meissner and carried to approve the deletion of Board Policy 6161, Equipment, Books and Materials as recommended by CSBA,

It was moved by Kathy Meissner, seconded by Jim Peterson and carried to adopt Board Policy 5126, Awards for Achievement for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Jim Peterson, seconded by Bob Hatch and carried to adopt Board Policy 5117, Interdistrict Attendance for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Jim Peterson, seconded by Jan Zilli and carried to adopt Board Policy 5145.7, Sexual Harassment for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Jim Peterson, seconded by Kathy Meissner and carried to adopt Board Policy 5112.3, Student Leave of Absence for first reading and that it is placed on the next Consent Agenda for second reading.

Ratification of Collective Bargaining Agreements

An amendment to the OEA Memorandum of Understanding was distributed. It was moved by Bob Hatch, seconded by Jim Peterson and carried to approve the changes as amended to the negotiated contracts with OEA, CSEA, Management and Confidential employee groups.

Board Policy Updates – Human Resources

An amendment to the Board Policy 4140/4240 was distributed. It was moved by Kathy Meissner, seconded by Bob Hatch and carried to adopt Board Policy 4140/4240, Bargaining Units, as amended and that it is placed on the next Consent Agenda for second reading.

It was moved by Jan Zilli, seconded by Kathy Meissner and carried to adopt Board Policy and Exhibit 4319.21, Professional Standards for first reading and that it is placed on the next Consent Agenda for second reading.

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

The Board Financial Report was presented for information and discussion. Marysia reported that the report contained nothing unusual.

Bob Bush reported that the OCAF Gala venue was changing this year to a less formal event with appetizers and cocktails to be held at the former Adammo Estate.

Mr. Hatch reported on another successful Business Appreciation Luncheon. A computer was awarded to Gabriel Borunda, a 5th grade student at Patterson Road. Mrs. McInerney said that Gabriel said it was "the best day of his life."

Rob, Bob Hatch and Bob Bush attended the Quarterly Schools Meeting. Dr. Mark Richardson is the new Santa Maria Joint High School District Superintendent. Retired Superintendent, Dr. Jeff Hearn has been filling in until Dr. Richardson could get relocated. Dr. Elizabeth Miller will serve as the Interim Alan Hancock College Superintendent for one year.

GENERAL ANNOUNCEMENTS

The next regular board meeting is scheduled for Wednesday, October 10, 2012 beginning with Public Session beginning at 6:45 p.m. with Closed Session following, as needed, In the District Office Board Room, 500 Dyer Street, Orcutt, CA.

ADJOURN TO CLOSED SESSION

It was moved by Jim Peterson, seconded by Jan Zilli and carried to adjourn the meeting to Closed Session at 8:28 p.m.

RECONVENE TO PUBLIC SESSION

The meeting reconvened to Public Session at 9:10 p.m. and Mr. Buchanan reported that no action was taken in Closed Session. The meeting was adjourned at 9:12 p.m.

Bob Bush, Board Secretary

Kathleen Meissner, Clerk, Board of Trustees



ORCUTT UNION SCHOOL DISTRICT

INTERDISTRICT ATTENDANCE AGREEMENT REQUESTS

**2012/2013 Academic School Year
Current Monthly Requests
October 10, 2012**

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

School	New	Renew	Leave
Alice Shaw			3
Joe Nightingale			1
Olga Reed			
Patterson Road	2		1
Pine Grove			
Ralph Dunlap	3		1
Lakeview JH			
Orcutt JH	2		2
Total	7	0	8

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

School	Enter	Leave
Alice Shaw		
Joe Nightingale	2	
Olga Reed		
Patterson Road		
Pine Grove		
Ralph Dunlap	2	
Lakeview JH		
Orcutt JH		
Total	4	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	7	10	7	11	1	0	2	2	2	6	1	4					20	33
1	3	7	11	3	0	1	7	0	1	7	8	4					30	22
2	5	4	9	8	1	0	3	7	5	7	3	7					26	33
3	5	5	10	3	3	0	5	0	3	5	3	6					29	19
4	7	4	10	7	1	0	5	1	4	6	11	7					38	25
5	10	4	12	6	0	0	5	3	8	6	1	1					36	20
6	5	4	13	8	2	0	5	1	4	3	13	3					42	19
7													45	9	17	10	62	19
8					1								29	9	19	9	49	18
Subtotal	42	38	72	46	9	1	32	14	27	40	40	32	74	18	36	19	332	208
Total	80		118		10		46		67		72		92		55		540	

Pine Grove School

A California Distinguished School

1050 Rice Ranch Road Santa Maria, CA 93455

(805) 938-8800

"Home of the Superstars"



September 24, 2012

Mr. Bob Bush
Superintendent
Orcutt Union School District
501 Dyer
Orcutt, CA 93455
&
The Board of Trustees
Orcutt Union School District

Dear Mr. Bush and Board;

On behalf of Pine Grove School, I am requesting that the Board of Trustees accept a donation of the award winning books, A Sick Day for Amos McGee, by Philip C. Stead and Moon Over Manifest, by Clare Vanderpool. These delightful books will be a wonderful addition to our school library.

The continued generosity of the Rotary Club of Santa Maria, Breakfast is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Mr. Don Hart". The signature is written in a cursive, slightly slanted style.

Don Hart
Principal

The Rotary Club of Santa Maria, Breakfast
P.O. Box 1518
Santa Maria, CA 93456



ORCUTT UNION SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Pine Grove School Date: 9/24/2012

DONOR: Name: The Rotary Club of Santa Maria, Breakfast
Address: P.O. Box 1518, Santa Maria, CA 93456
Phone No. _____

GIFT: Item Donated 2 new library books or Cash Donation \$ _____
(Fill in if money is donated)
Designated for: School library
General Description: 2 award winning children's books
Model No.: _____ Condition: New Used
Value (estimated): \$35.00
Purpose of Gift: addition to school library
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: _____

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

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

Acceptance Requested By (OUSD Staff Member): Karen Hettinga, Office Manager
Acceptance Approved By (Administrator): Don Hawk
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.)



Alice Shaw School

759 Dahlia Place
Santa Maria, California 93455
Orcutt Union School District
www.aliceshawschool.net

Phone: (805) 938-8850

Fax: (805) 938-8899

Date: 09/27/12

Mr. Bob Bush
Superintendent &
The Board of Trustees
Orcutt Union School District
501 Dyer St.
Orcutt, CA 93455

Dear Mr. Bush and Board:

On behalf of Alice Shaw School, I am requesting that the Board of Trustees accept a donation of \$2160.00 from Denny Yeoman for 12 computer set ups and 12 power cords.

This donation will be used by for students for classroom use. We thank Mr. Yeoman

Sincerely,



Principal

Cc: Donor
Denny Yeoman
Computer Assistance
1163 Pino Solo
Santa Maria, CA 93455
805-937-4650



ORCUTT UNION SCHOOL DISTRICT

REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Alice Shaw School Date: 9/27/2012

DONOR: Name: Denny Yeoman
Address: 1163 Pino Solo Santa Maria, CA 93455
Phone No. 805-937-4650

GIFT: Item Donated Computers/power cords or Cash Donation \$ 2,160.00
(Fill in if money is donated)
Designated for: Classroom/student use
General Description: computers, key boards, power cords
Model No.: _____ Condition: New Used
Value (estimated): \$2,160.00
Purpose of Gift: for classroom/student use
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? set up
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs?
If yes, what type? _____

Acceptance Requested By (OUSD Staff Member): Natalie Ortega / Office Manager

Acceptance Approved By (Administrator): _____

RECOMMENDATIONS: Principal or District Representative _____

BOARD ACTION: Date Accepted: _____ Date Denied: _____



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Joe Nightingale Elementary School Date: 09-26-2012

DONOR: Name: The Rotary Club of Santa Maria Breakfast
Address: PO Box 1518; Santa Maria, CA. 93456
Phone No. Unk

GIFT: Item Donated Books or Cash Donation \$
Designated for: Library
General Description: The Tale of Despereaux / All the World
Model No.: Condition: [X] New [] Used
Value (estimated): \$20
Purpose of Gift: Library/student use
Will gift be purchased through Business Services Office? [] Yes [X] No
Donor Conditions of Acceptance: None

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

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

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: Joe Nightingale Date: 09-21-2012

DONOR: Name: Mr. Mario Corral and Andrea Buenrostro
Address: 2422 Country Club Village Dr; Santa Maria, CA. 93455
Phone No. (805) 315-2874

GIFT: Item Donated _____ or Cash Donation \$ 100.00
(Fill in if money is donated)
Designated for: Classroom supplies
General Description: Cash
Model No.: N/A Condition: New Used
Value (estimated): \$100.00
Purpose of Gift: Classroom supplies
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: None

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? N/A
- C. Will donor pay installation costs? Yes No
- D. Will there be operating costs?
If yes, what type? Yes No
N/A

Acceptance Requested By (OUSD Staff Member): Kelly Greenup / Classroom #5
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.)



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Ralph Dunlap School Date: Sept. 26, 2012

DONOR: Name: Mr. Jeffrey Gultinan
Address: 5630 Oakhill Ct., Santa Maria, CA 93455
Phone No. 805 937-4795

GIFT: Item Donated Two Computers or Cash Donation \$ _____
(Fill in if money is donated)
Designated for: Student Use in Classrooms
General Description: Dell OptiPlex (Refurbished)
Model No.: 760 MT Core 2 Quad Condition: New Used
Value (estimated): \$859.98 + \$62.35 (tax) = \$922.33
Purpose of Gift: Donation to Ralph Dunlap School
Will gift be purchased through Business Services Office? Yes No
Donor Conditions of Acceptance: Excellent

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? Configuration/updating of computers/Installation in classrooms
C. Will donor pay installation costs? Yes No
D. Will there be operating costs?
If yes, what type? Yes No

Acceptance Requested By (OUSD Staff Member): Janet Bertoldi
Acceptance Approved By (Administrator): Janet Bertoldi, Director Ed. Tech
RECOMMENDATIONS: Principal or District Representative I recommend that the Board accept this generous donation.

BOARD ACTION: Date Accepted: _____ Date Denied: _____

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

LAKEVIEW JUNIOR HIGH SCHOOL



3700 Orcutt Road, Santa Maria, California 93455 • (805) 938-8600 FAX (805) 938-8649
Jeff Carlovsky, Principal • Tim Vincent, Vice Principal • www.LakeviewJHS.net

October 2, 2012

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

Re: 2012 Monterey Trip

Dear Mr. Bush:

With the permission of the Orcutt Union School District Board of Trustees, Lakeview Junior High School will be sponsoring our 28th annual field trip to the historic Monterey Peninsula and the Monterey Bay Aquarium. We are planning to spend three days and two nights in the Monterey area.

This trip is an academic enrichment opportunity for seventh grade students at Lakeview Junior High School. It includes studies in the areas of literature, California history, marine biology and botany. The itinerary may include, but is not limited to, a visit to the *Maritime Museum, Old Whaling Station, Custom's House, Colton Hall, the Presidio, Cannery Row, the Monterey Bay Aquarium, Point Lobos, Doc Rickett's Lab* and seaside dunes. Students will be selected to participate in this field trip based on first quarter academic achievement and good citizenship.

The bus utilized for this trip makes it necessary to limit participation to approximately forty students. Those students who meet the academic and citizenship criteria will be given a faculty recommendation form to be completed by five of the student's six teachers. All other factors being equal, academic class ranking will determine participation.

Students will depart from Lakeview Junior High School at 7:30 a.m. on Wednesday, December 5th, 2012 and will return by 5:30 p.m. on Friday, December 7th, 2012. There will be five staff members from Lakeview Junior High School who will serve as teaching chaperones. Pursuant to AR 6153, we will obtain written parent permission to allow students in the swimming pool and spa. Parents will also indicate the student's swimming ability as requested by the Board. The swimming facilities at the Monterey Beach Hotel have been inspected by the Lakeview chaperones. At this time we would like to request a waiver for section 3.d, of AR 6153. All chaperones have either been, or currently are, certified in CPR and/or First Aid and one of the chaperones is a PADI certified SCUBA diver.

Sincerely,

A handwritten signature in blue ink that reads "Keri E. Kirkland". The signature is written in a cursive, flowing style.

Keri E. Kirkland



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob bush, Superintendent

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

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: Board Policy, Facility General Obligation Bonds Policy 7214

BACKGROUND: In our continued effort to be current with district board policies, attached is the next set of policy 7214 for first reading. This new policy has been reviewed by the School Boards Association legal counsel and comply with current requirements. This will bring us up-to-date with current practices and legalese.

Board Policy	Policy
7214	General Obligations Bonds

RECOMMENDATION: Staff recommends that the Board of Trustees approve Board Policy 7214 as presented for first reading.

FUNDING: N/A

Facilities

GENERAL OBLIGATION BONDS

BP 7214

The Board of Trustees desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, the Board may order an election on the question of whether bonds shall be issued for school facilities when, in the Board's judgment, it is advisable and in the best interest of district students.

The Board of Trustees recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued for school facilities.

(cf. 1160 - Political Processes)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

The Board shall determine the appropriate size of the bond in accordance with law.

Bonds Requiring 55 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agree to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the school district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the construction, for the following purposes: reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b) (3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0450 - Comprehensive Safety Plan)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits conducted pursuant to items #3 and #4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards. He/she shall submit the audits to the citizens' oversight committee by March 31 of each year. (Education Code 15286)

Bonds Requiring 66.67 Percent Approval by Local Voters

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters are in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the county board of supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolution Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)

Prior to the sale of bonds, the Board shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)

1. Express approval of the method of sale
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance

After the sale, the Board shall be presented with the actual cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

Legal Reference:

EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

17584.1 Deferred maintenance, reports

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

1302 School district election

15372 Elections official certificate

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

8855 California Debt and Investment Advisory Commission

53580-53595.5 Bonds

54952 Definition of legislative body, Brown Act

CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App.4th 1356

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)

87 Ops.Cal.Atty.Gen. 157 (2004)

Management Resources:

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

WEB SITES

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

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

(7/01 11/06) 3/12

~~The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))~~

- ~~1. — A requirement that proceeds from the sale of the bonds be used only for the purposes specified above, as detailed in California Constitution Article 13A, Section 1(b)(3), and not for any other purposes including teacher and administrative salaries and other school operating expenses~~
- ~~2. — A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list~~

~~(cf. 0440—District Technology Plan)
(cf. 0450—Comprehensive Safety Plan)
(cf. 6151—Class Size)~~

~~***Note: Because the proceeds from the bond can be used only for types of construction, site acquisition or lease purposes for school facilities in accordance with California Constitution Article 13A, Section 1(b)(3)(A), bond funds cannot be used to pay the costs of the audits required below.***~~

- ~~3.——A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed~~
- ~~4.——A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects~~

~~Bonds Requiring 66.67 Percent Approval by Local Voters~~

~~Bonds shall be sold to raise money for the following purposes: (Education Code 15100)~~

- ~~1.——Purchasing school lots~~
- ~~2.——Building or purchasing school buildings~~
- ~~3.——Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs~~
- ~~4.——Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity~~
- ~~5.——Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature~~
- ~~6.——Permanently improving school grounds~~
- ~~7.——Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans~~
- ~~8.——Carrying out sewer or drain projects or purposes authorized in Education Code 17577~~
- ~~9.——Purchasing school buses with a useful life of at least 20 years~~
- ~~10.——Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location~~

~~Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)~~

Legal Reference:

EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

1302 School district election

15372 Elections official certificate

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

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(2006) 139 Cal.App.4th 1356

ATTORNEY GENERAL OPINIONS

88 Ops. Cal. Atty. Gen. 46 (2005)

87 Ops. Cal. Atty. Gen. 157 (2004)

Management Resources:

WEB SITES

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

CSBA, District and Financial Services, Proposition 39 Bond Performance Audit Program:

<http://www.esba.org/ds/prop39.cfm>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>


Policy Adopted: 6/7/06

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

FROM:  Marysia Ochej
Assistant Superintendent, Business Services

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: ADOPTION OF SCHOOL FACILITIES FEES INCREASE

BACKGROUND: At its January 2012 meeting, the State Allocation Board increased the residential and commercial/industrial development fees to \$3.20 and \$0.51 respectively, as authorized by Government Code section 65995.

A study was completed by SchoolWorks to determine the ongoing need for this fee. The study confirms and justifies the need for continual reconstruction and construction of school facilities. The level of need supports raising the current Developer Fees. The fees are shared (69% OUSD/31% SMJUHSD) with the Santa Maria High School District. The proposed fees for residential construction is \$2.22 and \$.35 for commercial/industrial construction to be effective December 16, 2012. Orcutt's share of residential construction fees will increase from the current \$2.01 to \$2.22 and commercial/industrial fees will increase from \$.033 to \$0.35.

The SchoolWorks justification study has been made available for public inspection and comment. As required by Government Code section 66016, a 10-day notice of the time and place of a public hearing and meeting, including a general explanation of the matter to be considered has been published in a newspaper. In addition, notices of this meeting were mailed to various government agencies.

RECOMMENDATION: It is recommended that the Board of Trustees approve Resolution No. 3 Adoption of School Facilities Fees as submitted.

FUNDING: Increase in Capital Facilities Fund

ORCUTT UNION SCHOOL DISTRICT
Resolution Number 3
2012/13
ADOPTION OF SCHOOL FACILITIES FEES

WHEREAS, Senate Bill 50, 1998 (Education Sections 17620) and Government Code Section 65995 authorizes school districts to impose certain fees for school facilities

WHEREAS, pursuant to the authority of Education Code Section 17620 and the State Allocation Board has established the allowable maximum fee on Level 1 (Basic Fee) residential development to be **\$2.22** per square foot, and **\$0.33** per square foot for Commercial/Industrial development.

WHEREAS, The District's justifiable fee exceeds **\$2.01** (residential) per square foot, and **\$0.33** (commercial/industrial) per square foot.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board make the following findings regarding its fees:

1. The purpose of the fees is to provide adequate school facilities for the students of the District who will be generated by residential development and commercial /industrial development in the District.
2. The fees are to be used to finance the construction and reconstruction of school facilities.
3. There is a reasonable relationship between the need for the fees and the use of the fees, and the types of development projects on which the fees are imposed, in that residential, commercial and industrial development will generate students who will attend District schools; these students cannot be housed by the District without the reconstruction or modernization of existing facilities and/or new construction and the fees will be used to fund portions of these facilities.
4. There is a reasonable relationship between the amount of the fees and the cost of the facilities attributable to the developments on which the fee is imposed, in that the square footage of these facilities which the District must add to accommodate these students.
5. There exists in the District accounts a separate Capital Facilities account fund, in accordance with the requirements of Government Code Section 66006.

AND BE IT FURTHER RESOLVED, that since the previously approved documentation justified fees in excess of the allowable limits and there have not been any significant changes since the previous study, the District hereby imposes fees on residential developments at **\$2.22** per square foot, and fees on commercial/industrial developments at **\$0.35** per square foot, in accordance with Government Code Section 53080 et. seq. and Section 65995 et. seq.

AND BE IT FURTHER RESOLVED, that the imposition of fees shall take affect a maximum of sixty (60) days after the date of this Resolution.

AND BE IT FURTHER RESOLVED, that the Superintendent or designee shall give notice to all cities and counties with jurisdiction over the territory of the District of the board of Trustees' action, in accordance with the requirements of Education Code Section 17621 (c), and requesting that no building permits be issued on or after that date, which is thirty (30) days after the date of this Resolution, without certification from the District that the fees specified herein have been paid.

AND BE IT FURTHER RESOLVED, that the developers of commercial or industrial development be provided the opportunity for a hearing to appeal the imposition of fees on their developments.

AND BE IT FURTHER RESOLVED, that the administration is authorized to make expenditures and incur obligations of the fees for the purpose authorized by law.

PASSED AND ADOPTED at a regular meeting of this board this 10th day of October, 2012, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

I HEREBY CERTIFY that the foregoing resolution was duly introduced, passed and adopted at a regularly called and conducted meeting held on said date.

President/Clerk

Orcutt Union School District



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

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

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: Grades K -3, Class Size Reduction Specific Waiver Renewal Request

BACKGROUND: On February 10, 2011, the State Board of Education approved the District request for a waiver for K-3 with the condition that "class size penalty in kindergarten through grade three will be waived provided that the overall average is not larger than 33 to one and no class larger than 35 to one."

This will be the third waiver request that we will have submitted to the State Department of Education. To my knowledge, the State Board has not denied any waiver requests due to the unfavorable economic outlook for the State.

In an effort to maintain students in their own schools, not pay for additional transportation, and survive in a difficult economic environment, the district elected to go through the waiver process and allow for increased class sizes. This provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic condition is expected to continue for at least the next couple of years as the State continues to suffer from an anemic economic recovery.

Currently, the State budget is contingent on proposition 30 passing in the November 6 election. Automatic trigger cuts to schools will be enacted according to current law should proposition 30 fail. For our District this translates to a \$430 per student reduction to revenues which results in a \$1.8 million dollar cut.

The due date to the California Department of Education for the District to be placed on the State Board agenda is October 23, 2012. The expectation is for this waiver to go to the State Board of Education in the Jan 9-10, 2013 agenda.

RECOMMENDATION: Staff recommends that the Board approve the waiver application as presented

FUNDING: Eliminates penalties to the General Fund with potential savings of up to \$1 million dollars.

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and
back-up material to: waiver@cde.ca.gov

CD CODE						
4	2	6	9	2	6	0

Local educational agency: Orcutt Union School District		Contact name and Title: Marysia Ochej Assistant Supt., Business Services		Contact person's e-mail address: mochej@orcutt-schools.net
Address: 500 Dyer St.	(City) Orcutt	(State) CA	(ZIP) 93455	Phone (and extension, if necessary): 805-938-8917
Period of request: (month/day/year) From: July 1, 2013 To: June 29, 2015				Fax number: 805-938-8919
Local board approval date: (Required) October 10, 2012				

LEGAL CRITERIA

- Authority for the waiver: EC Specific code section: 41382
Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive.
See Attachment #1
- Education Code or California Code of Regulations or portion to be waived.
Section to be waived: (number) **EC 41376 (a)(c) and (d) and 41378 (a) through (e)** Circle One: EC or CCR
Brief Description of the topic of the waiver: **Waive Class Size Penalty for exceeding the statewide average of 30 pupils per teacher in grades 1-3 and Waive Class Size Penalty for exceeding the statewide average of 31 pupils per teacher in grade Kindergarten.**
- If this is a renewal of a previously approved waiver, please list Waiver : 23-10-2010-W-3 and date of SBE approval February 10, 2011 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.
- Collective bargaining unit information. (Not necessary for EC 56101 waivers)
Does the district have any employee bargaining units? No X Yes If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): **October 3, 2012**
Name of bargaining units and representative(s) consulted: **Orcutt Educators Association – Monique Segura**
The position(s) of the bargaining unit(s): XXX Neutral Support Oppose (Please specify why)
Comments (if appropriate):
- Advisory committee or school site council that reviewed the waiver. Name: **OUSD Advisory Committee**
Per EC 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: **October 4, 2012**
 XXX Approve Neutral Oppose
Were there any objection? Yes No XXX (If there were objections please specify)

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

See Attachment # 2

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See Attachment # 3

8. Demographic Information:
District has a student population of 4,380 and is located in a *rural city* in Santa Barbara County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No Yes
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
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Signature of SELPA Director (only if a Special Education Waiver)	Date:
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FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (<i>type or print</i>):	Staff Signature:	Date:
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Unit Manager (<i>type or print</i>):	Unit Manager Signature:	Date:
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Division Director (<i>type or print</i>):	Division Director Signature:	Date:
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Deputy (<i>type or print</i>):	Deputy Signature:	Date:
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Attachment #1: Application Section 1 – Authority for the Waiver EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

Attachment #2: Application Section 6 – Education Code to be Waived – Class Size Penalty (Grades 1-3)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

Attachment #2: Application Section 6 – Education Code to be Waived – Class Size Penalty (Grade Kindergarten)

~~EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty three (33) in each class having an enrollment of more than thirty three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

Attachment #3: Application Section 7 – Desired Outcome/Rationale

The District requests a waiver to increase the average of pupils per each full time equivalent (FTE) teacher from the current 31.0 per FTE in Kindergarten and 30.0 per FTE in grades 1-3 to 33 per FTE for grades K-3 with no class larger than 35.

This waiver provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic State condition is expected to continue for at least the next couple of years. To date we are currently operating under a State Budget that assumes automatic trigger language to schools should proposition 30 fail in the elections on November 6. Should this trigger be pulled at this time, it is estimated that the District would have additional ongoing reductions of approximately \$430 per student which results in a \$1.8 million dollar loss in revenue at a time when we are struggling even with the possibility of flat funding. The last adopted multi-year budget by the board reflected a potential additional cut of \$2.8 million in fiscal year 2013-14 should the trigger be pulled. Since 2008-09 the District has had to lay off employees, cut programs, raise class sizes, re-organize the district and budget conservatively to remain solvent.

The District must demonstrate that it can remain solvent in the current and subsequent two years, while it continues to be a struggle to balance the budget from year to year. Once the State adopts a budget, we continue to live with the threat of mid-year reductions due to the long-term budget structural deficit. The District is requesting flexibility in an attempt to have all options available in an effort to remain solvent without any penalties assessed from the State. Cutting District budgets since 2002-03 due to declining enrollment combined with State budget cuts have left the District in a position to look at all options to remain solvent. While the Board of Trustees and District stakeholders do not want to increase class size we also do not want to be penalized in instances where money can be saved by leaving students in their neighborhood schools should we have an increase in enrollment over the year. Additionally, since the majority of school expenditures are in school site personnel, class size becomes one of the few areas of significant ongoing savings in a fiscal crisis. In Fiscal Year 2011-12 the average teacher total compensation package was \$90,482. In Fiscal Year 2012-13 it is estimated to increase to \$91,000. Any savings the district realizes helps in this unprecedented fiscal crisis.

Even though there are fiscal challenges, overall student performance continues to remain high. Our District API continues to exceed the state target of 800 with an overall API of 820. All of the schools in our district also exceed the state target of 800 with the exception of Lakeview Junior High School (786) and Patterson Road Elementary School (794). Our elementary schools range in API from 877 for Ralph Dunlap School to 794 for Patterson Road School.

<u>2011</u>	<u>Federal Target</u>	<u>Orcutt Union School District</u>
ELA	61%	67.6%
Math	61.9%	68.6%

In this uncertain financial environment, the Orcutt Union School District's ability to maintain the delivery of instruction and required programs in core subjects, including reading and mathematics, is seriously compromised by financial penalties the District would otherwise incur without the required waiver. If not waived, the potential penalty would be up to approximately \$1 million each year. In addition, if not waived, it prevents the District from developing more effective educational programs to improve instruction in core areas, including reading and math classes.



BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees
Bob Bush, Superintendent

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

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: Grades 4-8, Class Size Reduction General Waiver Request

BACKGROUND: On February 10, 2011, the State Board of Education approved the District request for a waiver for grades 4-8 from the 29.9 requirement. "A penalty will not be assessed against the district's revenue limit funding as long as the district's average number of pupils enrolled per FTE classroom teacher in grades four through eight is less than or equal to 33 pupils."

This will be the second waiver request that we will have submitted to the State Department of Education. To my knowledge, the State Board has not denied any waiver requests due to the unfavorable economic outlook for the State.

In an effort to maintain students in their own schools, not pay for additional transportation, and survive in a difficult economic environment, the district elected to go through the waiver process and allow for increased class sizes. This provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic condition is expected to continue for at least the next couple of years as the State continues to suffer from an anemic economic recovery.

Currently, the State budget is contingent on proposition 30 passing in the November 6 election. Automatic trigger cuts to schools will be enacted according to current law should proposition 30 fail. For our District this translates to a \$430 per student reduction to revenues which results in a \$1.8 million dollar cut.

The due date to the California Department of Education for the District to be placed on the State Board agenda is October 23, 2012. The expectation is for this waiver to go to the State Board of Education in the Jan 9-10, 2013 agenda

RECOMMENDATION: Staff recommends that the Board approve the waiver application as presented

FUNDING: Eliminates penalties to the General Fund with potential savings of \$1.5 Million

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) <http://www.cde.ca.gov/re/lr/wr/>

First Time Waiver:
 Renewal Waiver: X

Send Original plus one copy to:
 Waiver Office, California Department of Education
 1430 N Street, Suite 5602
 Sacramento, CA 95814

Send Electronic copy in **Word** and
 back-up material to: waiver@cde.ca.gov

CD CODE						
4	2	6	9	2	6	0

Local educational agency: Orcutt Union School District		Contact name and Title: Marysia Ochej Assistant Supt., Business Services		Contact person's e-mail address: mochej@orcutt-schools.net	
Address: 500 Dyer St.		(City) Orcutt	(State) CA	(ZIP) 93455	Phone (and extension, if necessary): 805-938-8917
					Fax Number: 805-938-8919
Period of request: (month/day/year) From: July 1, 2013 To: June 29, 2015		Local board approval date: (Required) October 10, 2012		Date of public hearing: (Required) October 10, 2012	

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **EC 41376 (b) and (e)** Circle One: EC or CCR

Topic of the waiver: **Waive class size penalty of grades four through eight**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **22-10-2010-W-2** and date of SBE Approval: **February 10, 2011.**
 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **October 3, 2012**

Name of bargaining unit and representative(s) consulted: **Orcutt Educators Association – Monique Segura**

The position(s) of the bargaining unit(s): XXX Neutral Support Oppose *(Please specify why)*

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised? Yes

 Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* **Website**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

OUSD Advisory Committee

Date the committee/council reviewed the waiver request: **October 4, 2012**

Were there any objection(s)? No XXX Yes *(If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
 GW-1 (10-2-09)

6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment #1

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment #2

8. Demographic Information:
District has a student population of 4,380 and is located in a rural city in Santa Barbara County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No Yes
 (If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No Yes
 (If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:

Attachment #1: Application Section 6 – Education Code to be Waived – Class Size Penalty (Grades 4-8)

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

Attachment #2: Application Section 7 – Desired Outcome/Rationale

The District requests a waiver to increase the district wide average number of pupils per each full time equivalent (FTE) from the current 29.9 (per EC 41376) to 33 per FTE for grades 4 through 8.

This waiver provides another tool of flexibility toward maintaining solvency in troubled uncharted territory. The dire economic State condition is expected to continue for at least the next couple of years. To date we are currently operating under a State Budget that assumes automatic trigger language to schools should proposition 30 fail in the elections on November 6. Should this trigger be pulled at this time, it is estimated that the District would have additional ongoing reductions of approximately \$430 per student which results in a \$1.8 million dollar loss in revenue at a time when we are struggling even with the possibility of flat funding. The last adopted multi-year budget by the board reflected a potential additional cut of \$2.8 million in fiscal year 2013-14 should the trigger be pulled. Since 2008-09 the District has had to lay off employees, cut programs, raise class sizes, re-organize the district and budget conservatively to remain solvent.

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<u>2011</u>	<u>Federal Target</u>	<u>Orcutt Union School District</u>
ELA	61%	67.6%
Math	61.9%	68.6%

In this uncertain financial environment, the Orcutt Union School District's ability to maintain the delivery of instruction and required programs in core subjects, including reading and mathematics, is seriously compromised by financial penalties the District would otherwise incur without the required waiver. If not waived, the potential penalty would be up to approximately \$1.5 million each year. In addition, if not waived, it prevents the District from developing more effective educational programs to improve instruction in core areas, including reading and math classes.

ORCUTT UNION SCHOOL DISTRICT

2012/2013 RESOLUTION NO. 5

Resolution Regarding Sufficiency of Instructional Materials

WHEREAS, the Governing Board of the Orcutt Union School District, in order to comply with the requirements of Education Code 60119, held a public hearing on October 12, 2011, at 7:00 p.m., which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

WHEREAS, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing, and;

WHEREAS, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

WHEREAS, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Orcutt Union School District, and;

WHEREAS, the definition of "sufficient textbooks or instructional materials" means that each student, including English learners, has a textbook or instructional materials, or both, to use in class and to take home, and;

WHEREAS, between the 2008-09 through the 2012-13 fiscal years, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the Orcutt Union School District, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

WHEREAS, sufficient textbooks and instructional materials were provided to each student, including English learners that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- ❖ Mathematics –
 - Kindergarten-Grade 1 – Harcourt School Publishers, *California Math*
 - Grades 3-5 – Scott Foresman-Addison Wesley, *enVision Math* © 2009
 - Grade 6 – Holt, *California Course 1: Numbers to Algebra*
 - Grade 7 – Holt, *Holt California Course 2: Pre-Algebra*
 - Grades 7-8 – Holt, *California, Algebra I*
 - Grade 8 – Holt, *California Geometry*

- ❖ Science –
 - Grades K-5 – McGraw-Hill, *California Science*
 - Grades 6-8 – Holt, Rinehart & Winston, *California Science (multiple titles)*

- ❖ History/Social Science - Kindergarten-Grade 1 – Scott Foresman, *History-Social Science for California*
 Grades 2-5 – Harcourt School Publishers, *California Reflections (multiple titles)*
 Grades 6-8 – Glencoe/McGraw-Hill, *CA Discovering Our Past (multiple titles)*

- ❖ English/Language Arts - Grades K-5 – Houghton-Mifflin, *CA Reading (multiple titles)*
 Grades 6-8 – McDougal Littell, *Language of Literature*
 Grades 6-8 – McDougal Littell, *Language Network*
 Grades 6-8 – McDougal Littell, *Bridges to Literature*

WHEREAS, sufficient textbooks or instructional materials were provided to each student enrolled in foreign language or health classes,

THEREFORE, IT IS RESOLVED that for the 2012/2013 school year, the Orcutt Union School District, has provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Orcutt Union School District, this 10th day of October 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed:

 President, Board of Trustees
 Orcutt Union School District

 Date



Educational Services

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

TO: Bob Bush, Superintendent

FROM: Holly Edds
Assistant Superintendent, Educational Services

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: Board Policy 6145
EXTRACURRICULAR AND COCURRICULAR
ACTIVITIES

BACKGROUND: Mandated policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional.

RECOMMENDATION: It is recommended that the Board of Trustees approve the revision to BP 6145

FUNDING: No funding implications.

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

The Board of Trustees recognizes that extracurricular and cocurricular activities enrich the educational and social development and ~~experiences of students~~ **enhance students' feelings of connectedness with the schools.** The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 – Use of School Facilities)
(cf. 5137 – Positive School Climate)
(cf. 6145.2 – Athletic Competition)
(cf. 5148.2 – Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately **on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any** ~~and no district~~ student's participation in extracurricular and cocurricular activities ~~shall be required or refused~~ **on those bases.** ~~based on the student's sex, gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.~~ **Requirements Prerequisites** for student participation in extracurricular and cocurricular activities shall be limited to those that **have been demonstrated to be** ~~are~~ essential to the success of the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 6145.5 Student Organizations and Equal Access)

Any complaint ~~regarding the~~ **alleging unlawful discrimination in the** district's extracurricular and cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

~~No student shall be prohibited from participating in extracurricular and cocurricular activities related to the educational program because of inability to pay fees associated with the activity.~~

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)
(cf. 3452 – Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 and 8 must demonstrate satisfactory educational progress in the previous grading period including but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes
2. Maintenance of minimum progress toward meeting high school graduation requirements

(cf. 5121 – Grades/Evaluation of Student Achievement)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 – Education for Foster Youth)
(cf. 6173.2 – Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and/or cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6145.2 - Athletic Competition)

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

Legal Reference:
EDUCATION CODE

35145 *Public meetings*
35160.5 *District policy rules and regulations; requirements; matters subject to regulation*
35179 *Interscholastic athletics; associations or consortia*
35181 *Students' responsibilities*
48850 *Participation of foster youth in extracurricular activities and interscholastic sports*
48930-48938 *Student organizations*
49024 *Activity Supervisor Clearance Certificate*
49700-49704 *Education of children of military families*
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
350 *Fees not permitted*
4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*
5531 *Supervision of extracurricular activities of pupils*
UNITED STATES CODE, TITLE 42
2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*
COURT DECISIONS
Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES.

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

California Association of Directors of Activities: <http://www.cadal.org>

California Department of Education, Educational Options Office: <http://www.cde.ca.gov/ls/pf/me>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy/>

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

Policy Adopted:

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

**ORCUTT UNION SCHOOL DISTRICT
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
RESOLUTION FOR CLASSIFIED LAY-OFF**

2012/2013 RESOLUTION NO. 6

WHEREAS, it is necessary to eliminate or reduce certain positions and services being provided to the Orcutt Union School District in order to maintain a balanced budget and sufficient reserves to secure the fiscal integrity of the District; and,

WHEREAS, the reduction or elimination of services will result in the layoff of classified personnel;

NOW, THEREFORE, BE IT RESOLVED that the District eliminate or reduce services due to the lack of funding and/or lack of work as set forth in Exhibit A attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Superintendent or designee notify the appropriate employees that the employees' services will no longer be needed because of this elimination or reduction of services, and they are, therefore, terminated at the end of the school year or forty-five days after such notice whichever is later;

BE IT ALSO RESOLVED that the Notice of Layoff be given in accordance with the appropriate provisions of the California Education Code and any agreement between the District and classified employees union.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DATED: _____

BOARD OF TRUSTEES
ORCUTT UNION SCHOOL DISTRICT

By: _____
Rob Buchanan, Board President

ORCUTT UNION SCHOOL DISTRICT
EXHIBIT A TO 2012/2013 RESOLUTION NO. 3

SERVICED OR PROGRAMS TO BE ELIMINATED OR
REDUCED

POSITIONS
FTE

Eliminate 1 hour Office Assistant funded by Title I

-.125



HUMAN RESOURCES MEMORANDUM

TO: Bob Bush

FROM: Jan Yanagisako

BOARD MEETING DATE: September 12, 2012

BOARD AGENDA ITEM: Board Policy 4121
Temporary/Substitute Personnel

BACKGROUND: New Board Policy contains material formerly in AR that reflects requirements for board action. Policy also reflects (1) new court decision which clarifies that the number of temporary teachers cannot exceed the total number of employees on leave any one time and that a district is not required to grant probationary status to an employee based solely on the fact the he/she served as a temporary employee for more than one year, (2) new court decision which held that an employee in a categorically funded program cannot be terminated through procedures applicable to temporary employees if the employee is being terminated before the end of the contact between the district and agency providing categorical funds, and (3) new court decision which determined that June 30 is the date by which temporary employees must be notified of the district's decision not to reelect them for the following school year. Section under "Salary and Benefits" updated to reflect new law AB 501, 2011) which allows all public school employees, including substitute and temporary employees, to be represented by a bargaining unit.

RECOMMENDATION: It is recommended that the Board of Trustees adopt Board Policy 4121, Temporary/Substitute Personnel.

FUNDING: No impact

Personnel

TEMPORARY/SUBSTITUTE PERSONNEL

The Board of Trustees recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 - Certification)

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 - Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14/4317.14 - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

The Board may classify as a temporary employee a teacher who is employed for at least one semester and up to one complete school year based on the need for additional certificated employees when regular employees are absent due to leaves or long-term illness. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)
5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or 2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

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

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

(cf. 4116 - Probationary/Permanent Status)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant positions in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive school years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Legal Reference:

EDUCATION CODE

22455.5 Provision of retirement plan information to potential members
22515 Irrevocable election to join retirement plan
37200 School calendar
44252.5 State basic skills assessment required for certificated personnel
44300 Emergency teaching or specialist permits
44830 Employment of certificated persons; requirements of proficiency in basic skills
44839.5 Employment of retirant
44845 Date of employment
44846 Criteria for reemployment preferences
44909 Employees providing services through categorically funded programs
44914 Substitute and probationary employment computation for classification as permanent employee
44915 Classification of probationary employees
44916 Time of classification; statement of employment status
44917 Classification of substitute employees
44918 Substitute or temporary employee deemed probationary employee; reemployment rights
44919 Classification of temporary employees
44920 Employment of certain temporary employees; classifications
44921 Employment of temporary employees; reemployment rights (unified and high school districts)
44953 Dismissal of substitute employees
44954 Release of temporary employees
44955 Layoff of permanent and probationary employees
44956 Rights of laid-off permanent employees to substitute positions
44957 Rights of laid-off probationary employees to substitute positions
44977 Salary schedule for substitute employees
45030 Substitutes
45041 Computation of salary
45042 Alternative method of computation for less than one school year
45043 Compensation for employment beginning in the second semester
56060-56063 Substitute teachers in special education

GOVERNMENT CODE

3540.1 Educational Employment Relations Act, definitions

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person
5503 Physical examination for employment of retired persons
5590 Temporary athletic team coach

80025-80025.5 *Emergency substitute teaching permits*

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Management Resources:

WEB SITES

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

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

Board Policy Adopted: 9/12/2012

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California



HUMAN RESOURCES MEMORANDUM

TO: Bob Bush

FROM: Jan Yanagisako

BOARD MEETING DATE: October 10, 2012

BOARD AGENDA ITEM: Board Policy 4112.9/4212.9/4312.9 and Exhibit 4112.9
Employee Notifications

BACKGROUND: Board Policy and Exhibit added, AR deleted. New policy contains board philosophical statement regarding the importance of clear communications with staff and the circumstances under which employees will be asked to sign an acknowledgment that they have received notifications. Regulation deleted and replaced with new exhibit listing notifications required by law, categories of employees who must be provided each notification, applicable legal cites, and the board policy and/or administrative regulation that addresses the notification requirement.

RECOMMENDATION: It is recommended that the Board of Trustees adopt Board Policy 4112.9/4212.9/4312.9 and Exhibit 4112.9.

FUNDING: No impact

BP 4112.9(a)
BP 4212.9(a)
BP 4312.9(a)

Personnel

EMPLOYEE NOTIFICATIONS

The Board of Trustees believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Legal Reference:

EDUCATION CODE

231.5 Sexual harassment policy
17612 Notification of pesticide use
22455.5 STRS information to potential members
22461 Postretirement compensation limitation
35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services
35171 Notice of regulations pertaining to certificated employee evaluations
37616 Notice of public hearing on year-round schedule
44031 Personnel file contents, inspection
44663-44664 Evaluation of certificated employees
44842 Reemployment notices, certificated employees
44896 Transfer of administrator or supervisor to teaching position
44916 Written statement of employment status
44929.21 Reelection or nonreelection of probationary employee after second year
44934 Notice of disciplinary action for cause
44938 Notice of unprofessional conduct and opportunity to correct
44940.5-44941 Notification of suspension and intent to dismiss
44948.3-44948.5 Dismissal of probationary employees
44949 Cause, notice and right to hearing
44951 Continuation in position unless notified, administrative or supervisory personnel
44954 Nonreelection of temporary employees
44955 Reduction in number of employees
45113 Notification of charges, classified employees
45117 Notice of layoff, classified employees
45169 Employee salary data, classified employees
45192 Industrial and accident leave
45195 Additional leave
46162 Notice of public hearing on block schedule
49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

GOVERNMENT CODE

BP 4112.9(b)
BP 4212.9(b)
BP 4312.9(b)

1126 Incompatible activities of employees
3100-3109 Oath or affirmation of allegiance
8355 Certification of drug-free workplace, including notification
12950 Sexual harassment
54957 Complaints against employees; right to open session
54963 Unauthorized disclosure of confidential information
HEALTH AND SAFETY CODE
104420 Tobacco-free schools
120875 Information on AIDS, AIDS-related conditions, and hepatitis B
120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
LABOR CODE
2800.2 Notification of availability of continuation health coverage
3550-3553 Notifications re: workers' compensation benefits
5401 Workers' compensation; claim form and notice of potential eligibility
PENAL CODE
11165.7 Child Abuse and Neglect Reporting Act; notification requirement
11166.5 Employment; statement of knowledge of duty to report child abuse or neglect
UNEMPLOYMENT INSURANCE CODE
2613 Disability insurance; notice of rights and benefits
CODE OF REGULATIONS, TITLE 2
7288.0 Sexual harassment training, provision of district policy
CODE OF REGULATIONS, TITLE 5
4622 Uniform complaint procedures
80303 Reports of change in employment status, alleged misconduct
CODE OF REGULATIONS, TITLE 8
3204 Employees exposed to bloodborne pathogens, access to exposure and medical records
5193 California bloodborne pathogens standard
UNITED STATES CODE, TITLE 38
4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement
UNITED STATES CODE, TITLE 41
8101-8106 Drug-Free Workplace Act
CODE OF FEDERAL REGULATIONS, TITLE 29
825.300 Family and Medical Leave Act; notice requirement
CODE OF FEDERAL REGULATIONS, TITLE 34
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans
CODE OF FEDERAL REGULATIONS, TITLE 49
382.601 Controlled substance and alcohol use and testing notifications

Policy Adopted: 9/12/2012

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

Personnel

E 4112.9(a)

EMPLOYEE NOTIFICATIONS

1. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Legal Code: Education Code 231.5, Government Code 12950, 2 CCR 7288.0
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually to all employees
Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide product, active ingredients, Internet address to access information

When/Whom to Notify: To all employees, prior to
Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: AR 6112
Subject: Public hearing on year-round implementing year-round program schedule

When/Whom to Notify: To all employees, prior to
Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: AR 6112
Subject: Public hearing on block implementing block schedule schedule

When/Whom to Notify: To all employees
Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: Prior to beginning employment
Legal Code: Government Code 3102
Board Policy/Administrative Regulation #: AR 4112.3/4212.3/4312.3
Subject: Oath or affirmation of allegiance required of public employees

When/Whom to Notify: To all employees
Legal Code: Government Code 8355; 41 USC 8102
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: To all employees, if the district receives Tobacco-Use Prevention Education funds

Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually to all employees

Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: AR 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To covered employees and former employees

Legal Code: Labor Cod e2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: Upon employment or by end of first pay period

Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/ 4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Prior to beginning employment

Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment, and when employee goes on leave for specified reasons

Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: Annually to all employees

Legal Code: 5 CCR 4622

Board Policy/Administrative Regulation #: AR 1312.3

Subject: Uniform complaint procedures, available appeals, civil law remedies, identity of coordinator

When/Whom to Notify: To all employees via employee handbook, or to each new employee

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Benefits through Family and Medical Leave Act

When/Whom to Notify: To all employees and job applicants

Legal Code: 34 CFR 104.8, 106.

Board Policy/Administrative Regulation #: BP 0410, BP 4030

Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: Annually to all employees

Legal Code: 40 CFR 763.84, 763.93

Board Policy/Administrative Regulation #: AR3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire

Legal Code: Education Code 22455.5

Board Policy/Administrative Regulation #: AR 4121

Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual

Legal Code: Education Code 22461

Board Policy/Administrative Regulation #: AR 4117.14/4317.14

Subject: Postretirement compensation limitation

When/Whom to Notify: To certificated employees

Legal Code: Education Code 35171

Board Policy/Administrative Regulation #: AR 4115, BP 4315

Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated

Legal Code: Education Code 44663

Board Policy/Administrative Regulation #: AR 4115

Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation

Legal Code: Education Code 44664

Board Policy/Administrative Regulation #: AR 4115

Subject: Notice and description of the unsatisfactory performance

E 4112.9(d)

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees

Legal Code: Education Code 44842

Board Policy/Administrative Regulation #: AR 4112.1

Subject: Request to notify district of intent to remain in service for the following school year; copy of law

When/Whom to Notify: To certificated employees upon employment

Legal Code: Education Code 44916

Board Policy/Administrative Regulation #: AR 4112.1, AR 4121

Subject: Employment status and salary

When/Whom to Notify: To probationary employees in district with ADA of 250 or more, by March 15 of employee's second consecutive year of employment

Legal Code: Education Code 44929.21

Board Policy/Administrative Regulation #: AR 4117.6

Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause

Legal Code: Education Code 4493

Board Policy/Administrative Regulation #: AR 4117.4, AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct

Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice

When/Whom to Notify: To probationary employees 30 days prior to dismissal, or not later than March 15 for second- year probationary employees

Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4117.4

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: To probationary employees in districts with less than 250 ADA, before notice of nonreelection but no later than March 15, with final notice by May 15

Legal Code: Education Code 44948.5

Board Policy/Administrative Regulation #: AR 4117.4

Subject: Recommendation of nonreelection notice for reason other than personnel reduction; statement of reasons upon request

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: On or before June 30, to temporary employee who served 75 percent of school year but will be released

Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: To teacher, when student engages in or is reasonably suspected of specified acts

Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: To classified employee charged with mandatory leave of absence offense, in merit system district

Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of intent to dismiss in 30 days

When/Whom to Notify: When classified employee is subject to disciplinary action for cause, in nonmerit district

Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, procedures, and employee rights

When/Whom to Notify: To classified employees, at least 45 days prior to layoff, or by April 29 if specially funded program is expiring

Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff and reemployment rights

When/Whom to Notify: To classified employees upon employment and upon each change in classification

Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To classified permanent employee whose leave is exhausted

Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon employment Legal Code: 49 CFR 382.601

Board Policy/Administrative Regulation #: BP 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the release or reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

E 4112.9(g)

When/Whom to Notify: Prior to placing derogatory information in personnel file

Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6 /4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: Notice or training to employee with access to confidential information

Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: Within one working day of work-related injury or victimization of crime at workplace

Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: BP 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: To any employee with exposure to bloodborne pathogens, upon initial employment and at least annually thereafter

Legal Code: 8 CCR 3204, 5193

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To employee eligible for military leave

Legal Code: 38 USC 4334

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave

Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Whether or not employee is eligible for FMLA leave, rights and obligations; consequences of failure to meet obligations

09/12/2012

Board Report

District 16 -- Orcutt Union

Fund 01 -- General Fund

As of 9/30/2012

	Beginning Bal/ WrkBudget	Month-To-Date Actual	Year-To-Date Actual	Year-To-Date Encumbrances	Ending Bal/ Remaining Bal
9110 -- Cash in County Treasury	346,746.16	(1,378,718.79)	3,718,272.74	0.00	4,065,018.90
9130 -- Revolving Cash/Fiscal Agent	13,928.00	0.00	0.00	0.00	13,928.00
9200 -- Accounts Receivable	6,947,163.73	0.00	(6,947,163.73)	0.00	0.00
9310 -- Due from Other Funds	192,331.38	0.00	(182,331.37)	0.00	10,000.01
9320 -- Stores	7,094.65	0.00	0.00	0.00	7,094.65
9330 -- Prepaid Expenditures (Expenses)	15,912.05	0.00	(15,912.05)	0.00	0.00
Total Assets	7,523,175.97	(1,378,718.79)	(3,427,134.41)	0.00	4,096,041.56
9500 -- Accounts Payable (Current Liabilities)	601,670.62	467.72	(598,567.58)	0.00	3,103.04
9610 -- Due to Other Funds	745,903.02	0.00	(745,903.02)	0.00	0.00
9650 -- Deferred Revenue	4,319.43	0.00	(4,319.43)	0.00	0.00
Total Liabilities	1,351,893.07	467.72	(1,348,790.03)	0.00	3,103.04
Fund Balance (Beginning Balance/Actual)	6,171,282.90	0.00	0.00	0.00	4,092,938.52
9791 -- Net Beginning Balance	6,171,282.90	0.00	6,171,282.90	0.00	6,171,282.90
8010 -- Revenue Limit Sources	20,901,013.00	1,028,096.56	2,209,791.10	0.00	18,691,221.90
8100 -- Federal Revenue	1,233,131.00	69,189.00	(211,062.25)	0.00	1,444,193.25
8300 -- Other State Revenues	4,623,782.00	278,584.25	(77,297.16)	0.00	4,701,079.16
8600 -- Other Local Revenue	1,094,895.36	104,848.59	199,721.72	0.00	895,173.64
8910 -- Other Financing Sources	457,668.00	442,424.96	442,424.96	0.00	15,243.04
8980 -- Contributions	0.00	0.00	0.00	0.00	0.00
Total Revenues	28,310,489.36	1,923,143.36	2,563,578.37	0.00	25,746,910.99
1000 -- Certificated Personnel Salaries	16,181,624.48	1,784,133.91	2,164,531.83	0.00	14,017,092.65
2000 -- Classified Personnel Salaries	4,961,899.80	514,938.84	1,036,141.05	0.00	3,925,758.75
3000 -- Employee Benefits	6,452,411.21	664,696.51	776,256.31	0.00	5,676,154.90
4000 -- Books and Supplies	1,540,572.15	64,663.92	343,274.36	419,035.99	778,261.80
5000 -- Services and Other Operating Expenditures	1,705,553.93	225,935.72	204,774.44	1,285,478.81	215,300.68
6000 -- Capital Outlay	160,000.00	27,627.29	96,611.08	16,143.64	47,245.28
7000 -- Other Outgo & Transfers Out	550,887.00	20,333.68	20,333.68	40,667.36	489,885.96
Total Expenditures	31,552,948.57	3,302,329.87	4,641,922.75	1,761,325.80	25,149,700.02
Fund Balance (Budget/Actual)	2,928,823.69	0.00	4,092,938.52	0.00	0.00

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

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

2012

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:

October 10, 2012

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		
<i>Valenzuela/CAHSEE</i> intensive instruction and services	0		
TOTALS	0	0	0

Signature of district superintendent

Date