

ORCUTT UNION SCHOOL DISTRICT  
Regular Meeting of the Board of Trustees  
Wednesday, June 13, 2012  
Public Session – **6:45 P.M.**  
Closed Session Following  
**Instructional Media Center**  
**500 Dyer Street Building H, Orcutt, CA 93455**

**CALL TO ORDER PUBLIC SESSION** 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.

- A. Pledge of Allegiance
- B. Superintendent's Report  
An opportunity for the Superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities such as curriculum/instructional updates, timely events/information, and district activities.
  - 1. Retiree Recognition
- C. Adjourn to Retiree Reception
- D. Reconvene to Public Session – **District Office Board Room**
- E. Continue Superintendent's Report
- F. 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.
- G. 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.
- H. Public Hearing - None

**CONSENT AGENDA ITEMS**

Actions proposed for Consent Agenda (block vote) items are consistent with approved practices of the district and are deemed routine in nature. Since trustees receive board agenda backup information in advance of scheduled meetings, they are prepared to vote with knowledge on the block vote items.

Consent Agenda items are voted on at one time, although any such item can be considered separately at a board member's request.

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of Warrants
- D. Minutes, Regular Meeting of May 9, 2012
- E. Minutes, Special Meeting of May 21, 2012
- F. Interdistrict Attendance Agreement Requests 2011/2012
- G. Interdistrict Attendance Agreement Requests 2012/2013
- H. Board Policy 3553, Free and Reduced for second reading
- I. Board Policy 3110, Transfer of Funds for second reading
- J. Board Policy 6145.2, Athletic Competition for second reading
- K. Board Policy 6161.1, Selection and Evaluation of Instructional Materials for second reading
- L. Board Policy 6153, School-Sponsored Trips for second reading
- M. Board Policy 6146.1, High School Graduation Requirements for second reading
- N. Board Policy 5131.7, Weapons and Dangerous Instruments for second reading
- O. Board Policy 5113, Absences and Excuses for second reading
- P. Revised 2012/2013 Orcutt Union School District K-8 School Calendar

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

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**ITEMS SCHEDULED FOR ACTION**

A. GENERAL

1. Acceptance of Gifts

Alice Shaw School received a donation of a microscope to be used by science students, forty 17" computer monitors and a computer, monitor and 2 printers.

It is recommended that the Board of Trustees accept these gifts and direct that a letter of acceptance and appreciation be forwarded to Kim and Mark LeClaire, Dave Carlson and Debbie Briant.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

B. BUSINESS

1. Resource Solutions Group Energy Reduction Plan Agreement

Staff recommends that the Board of Trustees authorize the Assistant Superintendent of Business to enter into an agreement with Resource Solutions Group (RSG) and utilize their program to work toward better utility management.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

2. Discretionary Commercial Warrants Audit

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

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

3. Orcutt Junior. High School Tennis Courts Resurfacing

It is recommended that the Board of Trustees approve the First Serve contract for Orcutt Junior High School tennis court resurfacing in the amount of \$9,885.00.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

4. District Office Parking Lot Seal and Stripe

Staff recommends that the Board of Trustees authorize the Assistant Superintendent of Business to move forward to make minimal repairs to the District Office parking lot.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

C. CURRICULUM

1. Board Policy 1250, Visitors/Outsiders

It is recommended that the Board of Trustees adopt Board Policy 1250, Visitors/Outsiders for first reading and that it is placed on the next Consent Agenda for second reading.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

2. Board Policy 5131, Conduct

It is recommended that the Board of Trustees adopt Board Policy 5131, Conduct for first reading and that it is placed on the next Consent Agenda for second reading.

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

3. Board Policy 5131.2, Bullying

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

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

4. Board Policy 5144.1, Suspension and Expulsion/Due Process

It is recommended that the Board of Trustees adopt Board Policy 5144.1, Suspension and Expulsion/Due Process 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. Board Exhibit 6161.1, Selection and Evaluation of Instructional Materials
3. Board Exhibit 5146.6, Parental Notifications
4. Administrative Regulation 5144.1, Suspension and Expulsion/Due Process
5. Administrative Regulation 5144.2, Suspension and Expulsion/Due Process (Students with Disabilities)
6. Items from the Board

**GENERAL ANNOUNCEMENTS**

Unless otherwise noticed, the next regular board meeting is scheduled for Wednesday, August 8, 2012 with Closed Session beginning at 6:00 p.m. followed by Public Session at 6:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA. A Special Board Meeting is scheduled for Wednesday, June 20, 2012 beginning at 6:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA. followed by a Curriculum 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**

- A. Public Report on Action Taken in Closed Session

**ADJOURN**

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

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

Classified Personnel Action Report  
June 13, 2012

10/12TO: 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
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY*
Campus Connection	Child Care Assistant	6/4		\$12.39/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/5		\$13.01/hr	07/01/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant			\$13.67/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant			\$9.45/hr	06/18/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Alice Shaw	Occupational Therapist		4.50	\$30.00/hr	06/19/12-07/17/12	ESY
Pine Grove	Child Nutrition Cook	9/4	3.75	\$13.35/hr	06/01/12	Increase in hours
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Nurse		4.50	\$45.00/hr	06/27/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/5		\$13.01/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	07/01/12-08/10/12	Summer Camp
District	Utility Worker			\$12.36/hr	06/15/12-08/10/12	Temporary Assignment
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
MOT	Custodial Supervisor			\$27.17/hr	06/15/12-08/17/12	Temporary Assignment
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY

Classified Personnel Action Report  
June 13, 2012

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
Campus Connection	Child Care Coordinator	16/6		\$17.49/hr	06/18/12-08/10/12	Summer Camp
MOT	Utility Worker			\$12.36/hr	06/15/12-08/10/12	Temporary Assignment
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/1		\$10.71/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/2		\$11.24/hr	07/01/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/1		\$10.71/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/1		\$10.71/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/2		\$11.24/hr	07/01/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Olga Reed	Custodian				08/20/12-09/28/12	Request Unpaid Leave of Absence
District	Noon Duty Supervisor			\$9.45/hr	06/05/12	Substitute
Campus Connection	Child Care Assistant	6/4		\$12.39/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/5		\$13.01/hr	07/01/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY

Classified Personnel Action Report  
June 13, 2012

SITE	CLASSIFICATION	CLASS STEP	HOURS	SALARY	EFFECTIVE	ACTION INFORMATION
Campus Connection	Child Care Assistant	6/4		\$12.39/hr	06/19/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/5		\$13.01/hr	07/01/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Clerical		5.00	\$13.66/hr	04/30/12-07/17/12	ESY – Not to Exceed 200 hours
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/4		\$12.39/hr	06/18/12-06/30/12	Summer Camp
Campus Connection	Child Care Assistant	6/5		\$13.01/hr	07/01/12 - 08/10/12	Summer Camp
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Campus Connection	Child Care Assistant			\$13.67/hr	06/18/12-08/10/12	Summer Camp
MOT	Utility Worker			\$12.36/hr	06/15/12-08/10/12	Temporary Assignment
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Alice Shaw	Inst Assistant		4.50	\$13.64/hr	06/19/12-07/17/12	ESY
Campus Connection	Child Care Assistant	6/6		\$13.67/hr	06/18/12-08/10/12	Summer Camp
Lakeview Jr. High	Noon Duty Supervisor			\$10.71/hr	02/01/12	Permanent/Probationary

# ORCUTT UNION SCHOOL DISTRICT

## Certificated Personnel Action Report

**TO:** Robert Bush  
District Superintendent

**FROM:** Jan Yanagisako  
Assistant Superintendent, Human Resources

**DATE:** Board Meeting of June 13, 2012

**RE:** **RECOMMENDATIONS FOR APPROVAL AND RATIFICATION**

<i>SCHOOL</i>	<i>CLASS/STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
ELC	Extra Duty	4/13/12	Preschool Interviews
Nightingale	VI-20	2012-13	Reassignment to transitional kindergarten
Pine Grove	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
District	Hourly	4/4-4/25/12	Intervention, 3 hrs
Orcutt	VI-20	2012-13	On Leave to Charter HS, 2 yr
District	Extra Duty	2/7-4/25/12	Intervention, 21 hr
Nightingale	Extra Duty	12/1/11-4/22/12	Spring Musical, 209 hrs
Nightingale	Hourly	4/2-4/26/12	Intervention, 15 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Orcutt/Lakeview	V-11	2012-13	Units for column movement
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 5 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Shaw	Extra Duty	4/5-4/26/12	Intervention, 3 hrs
Lakeview	V-1	2012-13	Temporary Teacher, 40%
District	Hourly	5/5/12	Saturday School, 5 hrs
Nightingale	Extra Duty	4/2-4/30/12	Intervention, 14.25 hrs
Nightingale	Extra Duty	5/5/12	Saturday School, 5 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Patterson	V-20	2012-13	Reinstatement of RIF Teacher
Lakeview	Hourly	4/3-4/26/12	Detention, 5 hrs
Nightingale	Hourly	4/2-4/30/12	Intervention, 14.5 hrs
Shaw	Hourly	6/19/12	ESY Psychologist, 45 hrs
District	Hourly	4/2-4/26/12	Tech Consulting, 40 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
District	V-19	2012-13	TOSA, 80%

\*To be prorated



<i>SCHOOL</i>	<i>CLASS/STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
District	Daily	3/13-4/27/12	Sub Principal, 2 days
District	Hourly	5/5/12	Saturday School, 5 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7,5 hrs
Lakeview	V-4 Extra Duty	2012-13 4/3-4/24/12	Probationary 2 Homework Club, 4 hrs
Orcutt	Extra Pay	10/19-4/25/12	Articulation
District	Daily	5/11/12	Sub Principal, 1 day
Orcutt	III-2	2012-13	Temporary Teacher, 100%
Shaw	Hourly	4/2-4/30/12	Intervention, 10 hrs
Shaw District	Extra Duty Extra Pay	4/23-7/17/12 4/2-4/30/12	ESY Administrator Extended day, 9.17 hrs
Pine Grove	Extra Duty	4/17-4/26/12	Intervention, 3 hrs
District	Daily	4/20-4/25/12	Fitness Program, 4 days
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 6.25 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Patterson	V-11	2012-13	Voluntary Transfer to RD
District	Daily	5/3/12	Sub Principal, 1 day
Olga Reed	Stipend	2011-12	Track Coach
District	Extra Pay	4/2-4/30/12	Extended day, 10 hrs
District	Extra Pay	4/2-4/30/12	Extended day, 11 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Pine Grove	V-16 VI-19	2012-13 2012-13	Reinstatement of RIF Teacher Transfer to transitional kindergarten at JN
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Nightingale	Extra Duty	5/5/12 4/3-4/26/12	Saturday School, 5 hrs Intervention, 7.5 hrs
District	IV-7	2012-13	80% Contract, Resource On Leave to Charter, 20%
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Nightingale	II-1	8/17/12	Moderate/Severe Teacher
Shaw	Hourly	6/19/12	ESY Teacher, 45 hrs
Olga Reed	Extra Pay	4/2-4/30/12	Extended day, 10 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
District	Hourly	3/26-4/20/12	Home & Hospital, 14 hrs
Shaw	Extra Duty	4/3-4/24/12	Intervention, 3 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Shaw	Hourly	7/2/12	ESY Teacher, 57.5 hrs
Nightingale	Hourly	4/2-4/30/12	Intervention, 8.75 hrs

\*To be prorated

<i>SCHOOL</i>	<i>CLASS/ STEP</i>	<i>EFFECTIVE DATE</i>	<i>ACTION INFORMATION</i>
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Nightingale	Hourly	4/2-4/30/12	Preschool Director, 19 hrs
Nightingale	Extra Duty	4/3-4/24/12	Intervention, 6.25 hrs
District	Hourly	5/5/12	Saturday School, 5 hrs
Nightingale	Hourly	4/2-4/30/12	Intervention, 16.25 hrs
District	Hourly	5/5/12	Saturday School, 5 hrs
Nightingale	Extra Duty	4/2-4/26/12	Intervention, 12 hrs
Patterson	VI-17	2012-13	1 yr Unpaid Leave of Absence
Lakeview	VI-10	2012-13	Reinstatement of RIF Teacher
Nightingale	Extra Duty	4/17-4/19/12	Intervention, 2.5 hrs
Dunlap	VI-20	2012-13	Reinstatement of RIF Teacher
District	Hourly	5/5/12	Saturday School, 5 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
District	Extra Duty	3/26-4/20/12	Home & Hospital, 28 hrs
District	Hourly	4/3-4/30/12	Beginning Strings, 11.5 hrs
Nightingale	Extra Duty	4/3-4/26/12	Intervention, 7.5 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
District	Hourly	4/2-4/26/12	District Support Services, 18.5 hrs
Shaw	Hourly	6/19/12	ESY Teacher, 102.5 hrs
Lakeview	Extra Duty	1/10-4/4/12	Noon League, 20.67 hrs
		2/21-3/26/12	Basketball Supervisor, 5 games
District	II Stipend	2012-13	School Psychologist Mileage Reimbursement
Olga Reed	Extra Pay	4/2-4/30/12	Extended day, 10 hrs
Pine Grove	V-20	6/29/12	Request Early Retirement
Olga Reed	Extra Pay	4/2-4/30/12	Extended day, 9.16 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  
May 9, 2012**

**CALL TO ORDER**

A regular meeting of the Board of Trustees of the Orcutt Union School District was held on Wednesday, May 9, 2012 beginning with Mr. Buchanan calling Public Session to order at 6:45 p.m. Members Present: Peterson Buchanan, Hatch Meissner and Zilli. Absent: None. Administrators Present: Bush, Ochej and Yanagisako. Absent: Edds. The Pledge of Allegiance was led by Bob Hatch.

**SUPERINTENDENT'S REPORT**

**PTA/PTSA Recognition**

Each principal was called upon to introduce and speak on behalf of their PTA/PTSA president. Neal LeMarie (Pine Grove), Kim Silva (Lakeview Jr. High) and Anna Mengel (Orcutt Jr. High), were unable to attend because they were attending the California State PTA Annual Convention in Anaheim.

The following representatives were introduced:

Principal	Representative	
JJ Francoise	Kim Okamoto	President Alice Shaw PTA
	Kirsten Carasco	Vice President, Alice Shaw PTA
Don Nicholson	Carol Sutton	President, Joe Nightingale PTA
Kate McInerney	Gretel Reece	President, Patterson Rd. PTA
Don Hart	Nicole Gault	Historian, Pine Grove PTA
Liz Herbstreith	Debra Hood	President, Ralph Dunlap PTA
Susan Salucci	Helen Harris	Orcutt Jr. High Ways & Means
Alan Majewski	Tracy Dugan	Secretary, Lakeview Jr. High PTSA
Joe Dana	Karen Merrill	Treasurer, Olga Reed PTSA

**WRITTEN COMMUNICATION**

Mr. Bush shared a letter from Allan Hancock College regarding their passage of Resolution 12-03, Statement of Conscience. This resolution is being disseminated to policy makers and education leaders throughout the county and state reminding citizens and the legislators in Sacramento of the perils associated with the continued defunding of public education in California.

Mr. Bush also shared an invitation to the Board to attend the OUSD Spring Band Concert on May 15<sup>th</sup> at OAHS.

**PUBLIC HEARING**

Mr. Buchanan opened the Tier III Flexibility Provision Hearing and discussion followed. The hearing was closed.

**CONSENT AGENDA ITEMS**

- A. Classified Personnel Action Report
- B. Certificated Personnel Action Report
- C. Approval of Warrants
- D. Minutes, Regular Meeting, April 18, 2012
- E. Minutes, Special Meeting, April 19, 2012
- F. Minutes, Special Meeting, May 2, 2012
- G. Interdistrict Attendance Agreement Requests 2011/2012
- H. Interdistrict Attendance Agreement Requests 2012/2013
- I. Surplus Property
- J. Board Policy 5141.21, Administering Medications and Monitoring Health Conditions for second reading
- K. Board Policy 6143, Courses of Study for second reading
- L. May Grisham Early Learning Center's Program Self Evaluation Annual Report

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**

#### **Gifts**

It was moved by Kathy Meissner, seconded by Jan Zilli and carried to accept the gift and directed that a letter of acceptance and appreciation be forwarded to May Urban.

#### **Trips**

It was moved by Jan Zilli, seconded by Kathy Meissner and carried to approve the journalism and leadership class YES trip to Disneyland in Anaheim, CA. on May 11, 2012.

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to approve the Orcutt Junior High Honor Society trip to Universal Studios in Los Angeles, CA. on June 6, 2012.

It was moved by Kathy Meissner, seconded by Jim Peterson and carried to approve the Campus Connection trip to La Brea Tar Pits in Los Angeles, CA. on July 6, 2012.

#### **2011/2012 Resolution No. 30, Order of Election**

It was moved by Jim Peterson, seconded by Bob Hatch and carried to adopt 2011/2012 Resolution No. 30, Order of Election

#### **2011/2012 Resolution No. 31, Candidates' Statement**

It was moved by Jim Peterson, seconded by Kathy Meissner and carried to adopt 2011/2012 Resolution No. 31, Candidates' Statement.

#### **Copier Lease Agreement**

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to authorize staff to enter into lease agreements with More Office Solutions as authorized by California State University Agreement Bid No. 70818.

#### **Board Policies**

It was moved by Bob Hatch, seconded by Jim Peterson and carried to adopt Board Policy 3553, Free and Reduced 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 Policy 3110, Transfer of Funds for first reading and that it is placed on the next Consent Agenda for second reading.

#### **Digital Schools Service Agreement**

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to approve the Digital Schools Service Agreement.

#### **2012/2013 General Fund Tier III Flexibility**

It was moved by Jan Zilli, seconded by Bob Hatch and carried to approve the proposed 2012/2013 Tier III Flexibility provisions.

#### **Bid Protest Appeals**

Three representatives from K.J. Cain Co, Inc. were in attendance. Dino Cosma addressed the Board representing K.J. Cain Company's bid protest appeal for the Joe Nightingale Elementary Hardcourt Improvement Project. On the advice of District Counsel it was moved by Bob Hatch, seconded by Jim Peterson and carried to deny the bid protest.

#### **Award of Bids**

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to award the bid for hardcourt improvement at Joe Nightingale Elementary School to J & P Construction Company for \$197,089, as the lowest responsive bid with an additional 10% for contingencies in the amount of \$19,708.90 for a grand total of \$216,797.90

It was moved by Bob Hatch, seconded by Jim Peterson and carried to award the bid for hardcourt improvements at Pine Grove Elementary School to K. J. Cain, Co. for \$199,000 as the lowest responsive bid with an additional 10% contingency in the amount of \$19,900 for a grand total of \$218,900.

It was moved by Jim Peterson, seconded by Jan Zilli and carried to award the bid for restroom upgrade improvements at Orcutt Academy High School to Snow Construction Co. for \$46,795 as the

lowest responsive bid with an additional 10% contingency in the amount of \$4,680 for a grand total of \$51,475.

It was moved by Jim Peterson, seconded by Jan Zilli and carried to award the bid for re-roof at Joe Nightingale Elementary School to Wick's Roofing, Inc. for \$55,152 as the lowest responsive bid with an additional 10% for contingencies in the amount of \$5,515, for a grand total of \$60,667.

#### Board Policies

It was moved by Jan Zilli, seconded by Jim Peterson and carried to adopt Board Policy 6145.2, Athletic Competition as submitted 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 6161.1, Selection and Evaluation of Instructional Materials 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 6153, School-Sponsored Trips for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Kathy Meissner, seconded by Jan Zilli and carried to adopt Board Policy 6146.1, High School Graduation Requirements 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 5131.7, Weapons and Dangerous Instruments for first reading and that it is placed on the next Consent Agenda for second reading.

It was moved by Bob Hatch, seconded by Jan Zilli and carried to adopt Board Policy 5113, Absences and Excuses for first reading and that it is placed on the next Consent Agenda for second reading.

#### Disposal of Obsolete Textbooks and Library Books

It was moved by Kathy Meissner, seconded by Jan Zilli and carried to approve the immediate disposal of the library books and instructional materials which fall into the specified categories in accordance with district policy.

#### 2012/2013 Rancho Alegre Outdoor School Contract

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to approve the 2012/2013 Rancho Alegre Outdoor School Contract, as submitted.

#### 2012/2012 Resolution No. 32, Declaration of Need

It was moved by Jan Zilli, seconded by Bob Hatch and carried to adopt 2011/2012 Resolution No. 32, Declaration of Need.

#### **ITEMS SCHEDULED FOR INFORMATION/DISCUSSION**

The Board Financial Report was presented for information/discussion which Marysia reported contained nothing out of the ordinary. Also presented for information were:

Administrative Regulation 6145.2, Athletic Competition

Administrative Regulation 6161.2, Selection and Evaluation of Instructional Materials

Administrative Regulation 6146.1, High School Graduation Requirements

Administrative Regulation 6153, School Sponsored Trips

Administrative Regulation 5125, Student Records

Administrative Regulation 5131.7, Weapons and Dangerous Instruments

Administrative Regulation 6162.51, Standardized Testing and Reporting

Administrative Regulation 5113, Absences and Excuses

Administrative Regulation 6173.1, Education of Foster Youth

Administrative Regulation 0450, Comprehensive Safety Plan

#### **GENERAL ANNOUNCEMENTS**

The next regular board meeting is scheduled for Wednesday, June 13, 2012 beginning with Public Session beginning at 6:45 p.m. with Closed Session following, as needed, in the Instructional Media Center, 500 Dyer Street Building H, Orcutt, CA. A special board meeting is scheduled for

Wednesday, June 20, 2012 beginning at 6:15 p.m. in the District Office Board Room, 500 Dyer Street, Orcutt, CA. followed by a Curriculum Board Meeting at 6:30 p.m.

**ADJOURN TO CLOSED SESSION**

It was moved by Jim Peterson, seconded by Bob Hatch and carried to adjourn to Closed Session at 8:09 p.m.

**RECONVENE TO PUBLIC SESSION**

Public Session reconvened at 9:10 p.m.

**REPORT ON ACTION TAKEN IN CLOSED SESSION**

Mr. Buchanan reported that no action was taken in Closed Session.

**ADJOURN**

It was moved by Jan Zilli, seconded by Kathy Meissner and carried to adjourn Public Session at 9:12 p.m.

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Bob Bush, Board Secretary

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Kathleen Meissner, Clerk, Board of Trustees

**ORCUTT UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
SPECIAL MEETING  
May 21, 2012**

**CALL TO ORDER**

A special meeting of the Board of Trustees of the Orcutt Union School District was held on Monday, May 21, 2012 beginning with Mr. Buchanan calling Public Session to order at 7:00 a.m. Members Present: Buchanan, Hatch, Peterson, Zilli and Meissner. Absent: None. Administrators Present: Bush, Yanagisako, Edds, and Nicholson. Absent: Ochej. Dr. Peterson led the Pledge of Allegiance. It was moved by Jan Zilli, seconded by Bob Hatch and carried to adjourn to Closed Session at 7:03 a.m.

**RECONVENE TO PUBLIC SESSION**

Public Session reconvened at 8:00 a.m. Mr. Buchanan reported that no action was taken in Closed Session.

**ADJOURN**

It was moved by Kathy Meissner, seconded by Bob Hatch and carried to adjourn the Public Session at 8:02 a.m.

---

Bob Bush, Board Secretary

---

Kathleen Meissner, Clerk, Board of Trustees





# ORCUTT UNION SCHOOL DISTRICT

## INTERDISTRICT ATTENDANCE AGREEMENT REQUESTS

### Current Monthly Requests June 8, 2011

Staff recommends the Board *approve* the following  
Inter-District Attendance Agreement Requests for the **2011-12 School Year:**

School	New Students	Students Leaving	Students New	YTD
Alice Shaw			1	
Joe Nightingale			9	
Patterson Road			5	
Pine Grove	1		2	
Ralph Dunlap			9	
Lakeview Junior High			1	
Orcutt Junior High	1		1	
<b>Total</b>	<b>2</b>	<b>0</b>	<b>28</b>	

Staff recommends the Board *deny* the following  
Inter-District Attendance Agreement Requests:

School	Students Entering	Students Leaving
Alice Shaw		
Joe Nightingale		
May Grisham		
Patterson Road		
Pine Grove		
Ralph Dunlap		
Lakeview Junior High		
Orcutt Junior High		
<b>Total</b>	<b>0</b>	<b>0</b>

Students denied Inter-District Attendance Agreement Requests  
to Orcutt Union School District **YTD:**

Lompoc Unified School District	
Lucia Mar School District	
Santa Maria-Bonita School District	9



# ORCUTT UNION SCHOOL DISTRICT

## INTERDISTRICT ATTENDANCE AGREEMENT REQUESTS

### Current Monthly Requests June 8, 2012

Staff recommends the Board *approve* the following  
Inter-District Attendance Agreement Requests for the **2012-13 School Year**:

School	New Students	Renewed Students	Students Leaving	Students New	YTD
Alice Shaw	2		1	2	2
Joe Nightingale	1			1	5
Olga Reed School	4			4	4
Patterson Road					
Pine Grove	1			1	4
Ralph Dunlap					
Lakeview Junior High					1
Orcutt Junior High			1		
<b>Total</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>8</b>	<b>16</b>

Staff recommends the Board *deny* the following  
Inter-District Attendance Agreement Requests:

School	Students Entering	Students Leaving
Alice Shaw		
Joe Nightingale	1	
Olga Reed		
Patterson Road		
Pine Grove		
Ralph Dunlap		
Lakeview Junior High		
Orcutt Junior High		
<b>Total</b>	<b>1</b>	<b>0</b>

Students denied Inter-District Attendance Agreement Requests  
to Orcutt Union School District **YTD**:

District	Denials
Blochman Union School District	
Lompoc Unified School District	
San Luis Coastal	2
Santa Maria-Bonita School District	3

Pending Board  
Approval  
6/13/12

# ORCUTT UNION SCHOOL DISTRICT K-8 2012/2013 SCHOOL CALENDAR

Student  
Days  
Reporting  
Periods

Revised 6/7/12

M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F			
July 16	17	18	19	20	23	24	25	26	27	30	31	Aug 1 2 3			6	7	8	9	10			
13	14	15	16	17 +	20 ▲	21 ▲	22 ▼	23	24	27	28	29	30	31	Sep 3 ■	4	5	6	7	12	1	
10	11	12	13	14	17 ◆	18 ◆	19	20	21	24	25	26	27	28	Oct 1	2	3	4	5	18	2	
8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31	Nov 1 ◆		2	19	3
5	6	7	8	9	12 ■	13	14	15	16	19	20	21 ●	22 ■	23 ●	26	27	28	29	30	16	4	
Dec 3	4	5	6	7	10	11	12	13	14	17 ●	18 ●	19 ●	20 ●	21 ●	24 ●	25 ■	26 ●	27 ●	28 ●	10	5	
31 ●	Jan 1 ■	2 ●	3 ●	4 ●	7	8	9	10	11	14	15	16	17	18	21 ■	22	23	24	25	14	6	
28	29	30	31	Feb 1	4	5	6	7	8	11 ■	12	13	14	15	18 ■	19	20	21	22	18	7	
25	26	27	28	Mar 1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	20	8	
25	26	27	28	29 ■	Apr 1 ●	2 ●	3 ●	4 ●	5 ●	8	9	10	11	12	15	16	17	18	19	14	9	
22	23	24	25	26	29	30	May 1 2 3		3	6	7	8	9	10	13	14	15	16	17	20	10	
20	21	22	23	24	27 ■	28	29	30	31	Jun 3	4	5	6	7	10	11	12	13	14 ▼	19	11	

▼ **ELEMENTARY & JR HIGH SCHOOL SCHEDULE**

August 17 ..... New Teachers Begin  
 August 20 ..... All Staff Meeting - Convocation  
**AUGUST 21 ..... FIRST DAY OF CLASSES 7<sup>th</sup> GR. ONLY**  
 August 21 ..... Teacher Work Day  
**AUGUST 22 ..... FIRST DAY OF CLASSES**  
 September 3 ..... Labor Day  
 September 17 ..... Staff Development Day  
 September 18 ..... Staff Development Day  
 November 1 ..... Staff Development Day  
 November 12 ..... Veteran's Day  
 November 16 ..... End of First Trimester  
 November 21 to 23 ..... Thanksgiving Holiday  
 December 17 to January 4 ..... Winter Recess  
 January 21 ..... Martin Luther King Day  
 February 11 ..... Lincoln's Birthday  
 February 18 ..... Presidents' Day  
 March 15 ..... End of Second Trimester  
 March 29 to April 5 ..... Spring Break  
 May 27 ..... Memorial Day  
**June 14 ..... LAST DAY OF SCHOOL**

- ▲ Pre-service Day (*returning teachers*) ..... 185
- ✦ In-service Day (*new teachers*) ..... 186
- Legal Holiday (*no school*)
- No School - Board Holiday
- ▼ Shortened Day or Minimum Day / In-service
- ◆ Staff Development Day

▼ **ADDITIONAL JUNIOR HIGH SCHOOL SCHEDULE**

August 21	Shortened Day /First Day of School.....7 <sup>th</sup> Grade Students
August 22	Shortened Day /First Day of School.....8 <sup>th</sup> Grade Students
October 19	Minimum Day/End of First Quarter.....Grade Prep
October 25	Shortened Day .....Parent Conferences
October 26	Minimum Day .....PC
January 25	Minimum Day/End of Semester .....Grade Prep
January 31	Shortened Day .....Parent Conferences
February 1	Minimum Day .....PC
March 28	Minimum Day/End of Third Quarter .....Grade Prep
April 11	Minimum Day .....Evening Parent Conferences
April 12	Minimum Day .....PC
April 30 - May 3	Shortened Day / STAR Testing
May 17	Minimum Day .....6th/8th Grade Orientation
June 13	Minimum Day/Last Day..... <b>OJHS</b> ...7 <sup>th</sup> Grade Students <b>ONLY</b> Regular Full-Day/Last Day... <b>LJHS</b> ...7 <sup>th</sup> Grade Students <b>ONLY</b>
June 14	Minimum Day/ Graduation Practice... <b>ALL</b> 8 <sup>th</sup> Grade Students Minimum Day/ Last Day .....8 <sup>th</sup> Grade Graduation

▼ **ELEMENTARY SCHOOL PARENT CONFERENCES**

K-6 - Parent Conferences - Minimum Day ..... Sept 24-28  
 K-6 - Parent Conferences - Minimum Day ..... Jan 23-25

**ORCUTT UNION SCHOOL DISTRICT  
2012/2013 SCHOOL YEAR CALENDAR**

S	M	T	W	T	F	S	
1	2	3	4	5	6	7	<b>JULY 2012</b>
8	9	10	11	12	13	14	July 4 - Independence Day Holiday
15	16	17	18	19	20	21	
22	23	24	25	26	27	28	
29	30	31					
			1	2	3	4	<b>AUGUST</b>
5	6	7	8	9	10	11	August 21- First Day of School - <b>7th Graders Only</b> - Shortened Day
12	13	14	15	16	17	18	August 22 - First Day of School - Minimum Day - Elementary
19	20	21	22	23	24	25	August 22 - First Day of School - 8th Graders
26	27	28	29	30	31		August 22 - Shortened Day - Jr. High School
						1	<b>SEPTEMBER</b>
2	3	4	5	6	7	8	September 3 - Labor Day Holiday
9	10	11	12	13	14	15	September 17 - 18 Staff Development Days - <b>NO School</b>
16	17	18	19	20	21	22	September 24 - 28 - Elementary Only - Minimum Day - Parent Conferences
23	24	25	26	27	28	29	
30							
	1	2	3	4	5	6	<b>OCTOBER</b>
7	8	9	10	11	12	13	October 19 - Jr High Only - Minimum Day - Grade Prep
14	15	16	17	18	19	20	October 25 - Jr. High Only - Parent Conferences - Shortened Day
21	22	23	24	25	26	27	October 26 - Jr High Only - Minimum Day
28	29	30	31				
			1	2	3		<b>NOVEMBER</b>
4	5	6	7	8	9	10	November 1 - Staff Development Day - <b>NO School</b>
11	12	13	14	15	16	17	November 12 - Veterans' Day Observed
18	19	20	21	22	23	24	November 21 - November 23 - Thanksgiving Recess
25	26	27	27	29	30		
						1	<b>DECEMBER</b>
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	December 17 - December 31 - Winter Recess
23	24	25	26	27	28	29	
30	31						
		1	2	3	4	5	<b>JANUARY 2013</b>
6	7	8	9	10	11	12	January 1 - January 4 - Winter Recess
13	14	15	16	17	18	19	January 21 - Martin Luther King, Jr. Day Holiday
20	21	22	23	24	25	26	January 23 - 25 - Elementary Only - Minimum Day - Parent Conferences
27	28	29	30				January 25 - Jr High - Minimum Day - Grade Prep
					1	2	January 31 - Jr. High Only - Parent Conferences - Shortened Day
						3	<b>FEBRUARY</b>
4	5	6	7	8	9	10	February 1 - Jr High Only - Minimum Day
11	12	13	14	15	16	17	February 11 - Lincoln's Birthday Holiday
18	19	20	21	22	23	24	February 18 - President's Day Holiday
25	26	27	28	29	30		
						1	<b>MARCH</b>
2	3	4	5	6	7	8	
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	March 28 - Jr High Only - Minimum Day - Grade Prep
23	24	25	26	27	28	29	March 29 - Spring Break
30	31						
						1	<b>APRIL</b>
2	3	4	5	6	7	8	April 1 - 5 - Spring Break
9	10	11	12	13	14	15	April 11 - Jr High Only - Evening Parent Conferences
16	17	18	19	20	21	22	April 12 - Jr High Only - Minimum Day
23	24	25	26	27	28	29	April 30 - Jr High Only - Shortened Day - STAR Testing
			1	2	3	4	<b>MAY</b>
5	6	7	8	9	10	11	May 1 - May 3 - Jr High Only - Shortened Day - STAR Testing
12	13	14	15	16	17	18	May 17 - Jr High Only - Minimum Day - 6th/8th Grade Orientation
19	20	21	22	23	24	25	May 27 - Memorial Day Holiday
26	27	28	29	30	31		
						1	<b>JUNE</b>
2	3	4	5	6	7	8	June 13 - <b>Minimum Day</b> - Last Day of School - <b>7th Grader's OJHS Only</b>
9	10	11	12	13	14	15	June 13 - <b>Reg. Full Day</b> - Last Day of School - <b>7th Grader's LJHS Only</b>
16	17	18	19	20	21	22	June 13 - Minimum Day - Graduation Practice - <b>ALL 8th Grade Students</b>
23	24	25	26	27	28	29	June 14 - Minimum Day - Last Day of School - 8th Grade Graduation

Pending Board Approval  
6/13/2012

*ENJOY YOUR SUMMER!*

	School Closed for Holidays
	Staff Development Day
	Elementary Parent Conferences/Minimum Days
	Jr High Parent Conferences
	Minimum & Shortened Days
	First and Last Days of School



# Alice Shaw School

759 Dahlia Place  
Santa Maria, California 93455  
Orcutt Union School District  
[www.aliceshawschool.net](http://www.aliceshawschool.net)

Phone: (805) 938-8850

Fax: (805) 938-8899

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June 5, 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 Alice Shaw School, I am requesting that the Board of Trustees accept a donation of microscope valued at \$100.00.

This donation will be placed in a room 14classroom.

Sincerely,

J.J. Francoisse  
Principal

*Kim + Mark LeClaire*  
Justin LeClaire  
1214 Pino Solo  
Santa Maria, CA 93455



# ORCUTT UNION SCHOOL DISTRICT

## REQUEST FOR ACCEPTANCE OF GIFT

**SCHOOL:** Alice Shaw School Date: 6/5/2012

**DONOR:** Name: Kim and Mark LeClaire  
Address: 1214 Pino Solo  
Phone No. \_\_\_\_\_

**GIFT:** Item Donated Mircoscope or Cash Donation \$ 100.00  
(Fill in if money is donated)

Designated for: Science

General Description: \_\_\_\_\_

Model No.: \_\_\_\_\_ Condition:  New  Used

Value (estimated): \$100.00

Purpose of Gift: \_\_\_\_\_

Will gift be purchased through Business Services Office?  Yes  No

Donor Conditions of Acceptance: \_\_\_\_\_

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

A. Will gift require installation?  Yes  No

B. What type of installation is required? \_\_\_\_\_

C. Will donor pay installation costs?  Yes  No

D. Will there be operating costs?  
If yes, what type?  Yes  No

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

Acceptance Approved By (Administrator): [Signature] J.F. Francois

RECOMMENDATIONS: Principal or District Representative \_\_\_\_\_

Accept as presented

BOARD ACTION: Date Accepted: \_\_\_\_\_ Date Denied: \_\_\_\_\_



# Alice Shaw School

759 Dahlia Place  
Santa Maria, California 93455  
Orcutt Union School District  
[www.aliceshawschool.net](http://www.aliceshawschool.net)

Phone: (805) 938-8850

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June 5, 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 Alice Shaw School, I am requesting that the Board of Trustees accept a **donation of 40-17" monitors with connecting cables (aprox new value of \$5000.00)**

Monitors will be placed in classroom for student use.

Sincerely,

J.J. Francoisse  
Principal

Dave Carlson  
3887 Les Maisons Dr.  
Santa Maria, CA 93455  
[misterdavecarlson@gmail.com](mailto:misterdavecarlson@gmail.com)



ORCUTT UNION SCHOOL DISTRICT
REQUEST FOR ACCEPTANCE OF GIFT

SCHOOL: Alice Shaw School Date: 6/5/2012

DONOR: Name: Dave Carlson
Address: 3887 Les Maisons Dr.
Phone No. e-mail misterdavecarlson@gmail.com

GIFT: Item Donated Comput,monitor, printers or Cash Donation \$ \$5,000.00
Designated for: Classrooms
General Description: 40 - 17" Flat Screen Monitors
Model No.: Condition: [X] New [X] Used
Value (estimated): \$5000.00 (new)
Purpose of Gift: to replace old monitors
Will gift be purchased through Business Services Office? [ ] Yes [X] No
Donor Conditions of Acceptance:

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

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

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

Acceptance Approved By (Administrator): [Signature] T J Franconisse

RECOMMENDATIONS: Principal or District Representative
except as presented.

BOARD ACTION: Date Accepted: Date Denied:





# Alice Shaw School

759 Dahlia Place  
Santa Maria, California 93455  
Orcutt Union School District  
[www.aliceshawschool.net](http://www.aliceshawschool.net)

Phone: (805) 938-8850

Fax: (805) 938-8899

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June 5, 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 Alice Shaw School, I am requesting that the Board of Trustees accept a donation of Computer, Monitor and 2 printers valued at \$500.00.

These donations will be placed in a classroom.

Sincerely,

J.J. Francoisse  
Principal

Debbie Briant  
3911 Blockwood Ct  
Santa Maria, CA 93455  
805-868-6950



# ORCUTT UNION SCHOOL DISTRICT

## REQUEST FOR ACCEPTANCE OF GIFT

**SCHOOL:** Alice Shaw School Date: 6/5/2012

**DONOR:** Name: Debbie Briant  
Address: 3911 Blockwood Ct.  
Phone No. 805-868-6950

**GIFT:** Item Donated Comput,monitor, printers or Cash Donation \$ 500.00  
(Fill in if money is donated)  
Designated for: Technology  
General Description: Computer, Monitor, 2 printers  
Model No.: \_\_\_\_\_ Condition:  New  Used  
Value (estimated): \$500.00  
Purpose of Gift: Technology  
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? classroom hook up
- C. Will donor pay installation costs?  Yes  No
- D. Will there be operating costs?  Yes  No  
If yes, what type? \_\_\_\_\_

Acceptance Requested By (OUSD Staff Member): Natalie Ortega / Office Manager  
Acceptance Approved By (Administrator): [Signature] J.J. Francoise


RECOMMENDATIONS: Principal or District Representative  
accept as presented

BOARD ACTION: Date Accepted: \_\_\_\_\_ Date Denied: \_\_\_\_\_



## BUSINESS SERVICES MEMORANDUM

**TO:** Board of Trustees  
Bob Bush, Superintendent

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

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Resource Solutions Group Energy Reduction Plan Agreement

**BACKGROUND:** We have been working with PG&E for some time now regarding energy efficiency for all of our sites. Recently we had an Energy Reduction Plan completed for Olga Reed School by Resource Solution Group (RSG) referred to us by PG&E. The program is funded by California utility customers and administered by PG&E.

RSG will assist our District at Olga Reed in identifying, evaluating and developing energy saving projects, by providing the necessary engineering and vendor support services to implement and qualify projects for energy incentives, and process applications. Through RSG's services, the District can qualify for utility rebates and cash bonuses for meeting specific participation and installation milestones (unique to RSG's program) at no out-of-pocket cost. Though RSG's services do not include the physical installation of equipment, RSG will work with any qualified equipment supplier or contractor to ensure the District projects meet program requirements. By implementing the projects outlined in the report, the District will benefit from:

- Annual energy reductions of 23,800 kilowatt hours, 2.0 kilowatt of Peak Demand and 0 therms.
- Annual energy savings of \$2,856, or roughly 11% of the District's previous 12-month expenditures.
- Annual CO2 reduction of 12,471, equating to 2 acres of trees planted.

The estimated cost to implement the proposed projects is \$14,814 after incentives. All services provided by RSG will be at no upfront-cost to the District. The cost breakdown is as follows:

- Total estimated project cost: \$17,938
- Total estimated incentives: \$3,124

**RECOMMENDATION:** Staff recommends that the Board authorize the Assistant Superintendent to enter into an agreement with RSG and utilize their program to work toward better utility management.

**FUNDING:** General Fund



## BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees  
Bob Bush, Superintendent

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

BOARD MEETING DATE: June 13, 2012

BOARD AGENDA ITEM: Discretionary Commercial Warrants Audit

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

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

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

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

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

FUNDING: None



## BUSINESS SERVICES MEMORANDUM

TO: Board of Trustees  
Bob Bush, Superintendent

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

BOARD MEETING DATE: June 13, 2012

BOARD AGENDA ITEM: Orcutt Jr High School Tennis Courts Resurfacing

BACKGROUND: In 2003 the Orcutt Jr. High School Tennis Courts were resurfaced with a grant acquired by Mary Jane Peterson. The tennis courts have been used extensively since that time and now require resurfacing again. We received three quotes as follows:

### Resurface Tennis Courts Quote:

Company	Address	Cost
First Serve	P.O. Box 92151, SB, CA	\$ 9,885
TD Sports, Inc.	21 W. East Street #107, Simi Valley, CA	\$12,800
Metcalf Const.	490 Camino Talavera, Goleta, CA	\$13,225


RECOMMENDATION: It is recommended that the Board of Trustees approve the First Serve contract for Orcutt Jr. High School tennis courts resurfacing in the amount of \$9,885.00.

FUNDING: Deferred Maintenance



## BUSINESS SERVICES MEMORANDUM

**TO:** Board of Trustees  
Bob Bush, Superintendent

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

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** District Office Parking Lot Seal and Stripe

**BACKGROUND:** This year we have had multiple complaints on the condition of the district office parking lot. We have been continually deferring a complete resurface due to the cost and public perception of schools needing to be the top priority.

I had Scott send out requests for cleaning, sealing and restriping the front part of the District Office parking area along with doing asphalt patching where needed. I wanted to see what kind of costs we were looking at for a minimal improvement. So far he has received one bid of \$9,200. We will continue to receive bids so we anticipate that the highest the repair will cost will be \$9,200 and it could possibly be lower based on what other bids come in at.

**RECOMMENDATION:** Staff recommends that the Board authorize the Assistant Superintendent to move forward and do minimal repairs to the District Office Parking lot.

**FUNDING:** General Fund



## Educational Services

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

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**TO:** Bob Bush, Superintendent

**FROM:** Holly Edds  
Assistant Superintendent, Educational Services

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Board Policy 1250  
VISITORS/OUTSIDERS

**BACKGROUND:** Updated policy adds new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children's education.

**RECOMMENDATION:** It is recommended that the Board of Trustees approve the revision to BP 1250

**FUNDING:** No funding implications.

## Community Relations

### VISITORS/OUTSIDERS

The Board of trustees believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board of Trustees encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

(cf. 1240 – Volunteer Assistance)  
 (cf. 5020 – Parent Rights and Responsibilities)  
 (cf. 6020 – Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. ~~If a conference is desired~~ When a visit involves a conference with a teacher or the principal, an appointment should be set with the teacher scheduled during noninstructional time.

(cf. 6116 – Classroom Interruptions)  
 (Superintendent Operational Memo dated 10-10-11)

~~To ensure the safety of students and staff and avoid potential disruptions,~~ All visitors outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

(cf. 1112 - Media Relations)  
 (cf. 3515.2 – Disruptions)

For purposes of school safety and security, the principal or designee may provide a ~~design~~ a visible means of identification for visitors all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by ~~students or visitors~~ any person in a classroom without the teacher and principal's permission. (Education Code 51512)

(cf. 5144 – Discipline)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 – Complaints Concerning District Employees)  
 (cf. 1312.2 – Complaints Concerning Instructional Materials)



(cf. 1312.3 – Uniform Complaint Procedures)  
(cf. 1312.4 – Williams Uniform Complaint Procedures)  
(cf. 3515.2 – Disruptions)

## Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

### *Legal Reference:*

#### EDUCATION CODE

32210 Willful disturbance of public school or meeting  
32211 Threatened disruption or interference with classes; misdemeanor  
32212 Classroom interruptions  
35160 Authority of governing boards  
35292 Visits to schools (board members)  
49091.10 Parental right to inspect instructional materials and observe school activities  
51101 Parent Rights Act of 2002  
51512 Prohibited use of electronic listening or recording device

#### EVIDENCE CODE

1070 Refusal to disclose news source

#### LABOR CODE

230.8 Discharge or discrimination for taking time off to participate in child's educational activities

#### PENAL CODE

#### 290 Sex Offenders

626-626.10 Schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

#### COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4<sup>th</sup> 652

#### ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy Adopted: ~~11/8/06~~ 06/13/12

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



## Educational Services

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

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**TO:** Bob Bush, Superintendent

**FROM:** Holly Edds  
Assistant Superintendent, Educational Services

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Board Policy 5131  
CONDUCT

**BACKGROUND:** Policy updated to reflect new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and new law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans. Material on prevention and intervention of bullying and cyberbullying moved to BP 5131.2 – Bullying. Policy also expands item #4 to clarify that the district is not responsible for students' personal belongings brought on campus or to a school activity, replaces section on cell phone possession and use with new item #6 which prohibits use during instructional time with specified exceptions and adds referral to student success team or counseling services as possible consequences for violation of school rules.

**RECOMMENDATION:** It is recommended that the Board of Trustees approve the revision to BP 5131

**FUNDING:** No funding implications.

## Students

### CONDUCT

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, ~~or and while~~ on district transportation.

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5112.5 – Open/Closed Campus)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 – Positive School Climate)*

*(cf. 6145.2 - Athletic Competition)*

~~Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.~~

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct. ~~In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors, such as bullying, as well as prevention and intervention strategies.~~

#### **Prohibited student conduct includes, but is not limited to:**

1. Conduct that endangers students, staff, or others, **including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats**

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5136 – Gangs)*

*(cf. 5142 - Safety)*

2. **Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing, or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption**

*(cf. 5131.2 – Bullying)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5145.9 – Hate-Motivated Behavior)*

3. ~~2.~~ Conduct that disrupts the orderly classroom or school environment

*(cf. 5131.4 - Student Disturbances)*

4. ~~Harassment of students or staff, such as bullying, including cyberbullying, intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering, in accordance with the section entitled "Bullying/Cyberbullying" below.~~

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

~~*(cf. 5145.3 - Nondiscrimination/Harassment)*~~

~~*(cf. 5145.7 - Sexual Harassment)*~~

~~*(cf. 5145.9 - Hate-Motivated Behavior)*~~

4. **Willful defiance of staff's authority**

5. ~~4.~~ Damage to or theft of property belonging to students, staff, or the district

~~*(cf. 3515.4 - Recovery for Property Loss or Damage)*~~

~~*(cf. 5131.5 - Vandalism, Theft and Graffiti)*~~

6. **Obscene acts of use of profane, vulgar, or abusive language**

~~*(cf. 5145.2 - Freedom of Speech/Expression)*~~

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs ~~in violation of school rules~~

~~*(cf. 5131.6 - Alcohol and Other Drugs)*~~

~~*(cf. 5131.62 - Tobacco)*~~

~~*(cf. 5131.63 - Steroids)*~~

8. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, ~~including employment~~ **(Penal Code 417.27)**

Prior to bringing a laser pointer on school premises **for a valid instructional, or school-related purpose**, students shall first obtain permission from the principal or designee. ~~The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.~~

9. **Use of a cellular/digital telephone, pager, or other mobile communications device**

during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health.

(Education Code 48901.5)

#### 10. Plagiarism or dishonesty in school work or on tests

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

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

#### 11. Inappropriate attire

*(cf. 5132 - Dress and Grooming)*

#### 12. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

#### 10. Failure to remain on school premises in accordance with school rules

*(cf. 5112.5 - Open/Closed Campus)*

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

*(cf. 5145.12 - Search and Seizure)*

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, **referral to a student success team or counseling services**, or denial of participation in extracurricular or cocurricular activities **or other privileges** in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

*(cf. 1020 - Youth Services)*

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*Cf. 5127 – Graduation Ceremonies and Activities)*

*(cf. 5138 – Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6159.4 – Behavioral Interventions for Special Education Students)*

*(cf. 6164.2 – Guidance/Counseling Services)*

*(cf. 6164.5 – Student Success Teams)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School)*

Students also may be subject to discipline, **in accordance with law, Board policy, or administrative regulation**, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation. **school activities.**

### **Possession/Use of Cellular Phones and Other Mobile Communications Devices**

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)~~

~~Students may possess on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests. Even though students may possess the above mentioned devices, they must be turned off at all times while on school grounds, on a school bus and when attending any school related event.~~

~~If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she~~

~~shall return it at the end of the class period or school day or keep it until the principal or designee has consulted with the student's parent/guardian.~~

~~In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.~~

~~(cf. 5145.12 – Search and Seizure)~~

~~Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to or from a school-related activity.~~

~~A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.~~

### **Bullying/Cyberbullying**

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.~~

~~(cf. 5137 – Positive School Climate)~~

~~(cf. 5138 – Conflict Resolution/Peer Mediation)~~

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

~~The district may provide students instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.~~

~~(cf. 1220 – Citizen Advisory Committees)~~

~~(cf. 6163.4 – Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.~~

~~(cf. 4131 – Staff Development)~~

~~(cf. 4231 – Staff Development)~~

~~(cf. 4331 – Staff Development)~~

~~(cf. 5136 – Gangs)~~

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be~~

~~investigated and resolved in accordance with site level grievance procedures specified in AR 5145.7—Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.~~

~~Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

Legal Reference:

**EDUCATION CODE**

~~200-262.4 Prohibition of discrimination~~

~~32280-32289 Comprehensive safety plan~~

~~32261 Bullying~~

~~35181 Governing board policy on responsibilities of students~~

~~35291-35291.5 Rules~~

~~44807 Duty concerning conduct of students~~

~~48900-48925 Suspension or expulsion, especially:~~

~~48908 Duties of students~~

~~51512 Prohibition use of electronic listening or recording device in classroom without permission~~

**CIVIL CODE**

~~1714.1 Liability of parents and guardians for willful misconduct of minor~~

**PENAL CODE**

~~288.2 Harmful matter with intent to seduce~~

~~313 Harmful matter~~

~~417.25-417.27 Laser scope or laser pointer~~

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

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

~~653.2 Electronic communication devices, threats to safety~~

**VEHICLE CODE**

~~23124 Use of cellular phones provisional license holders~~

~~23123-23124 Prohibitions against use of electronic devices while driving~~

**CODE OF REGULATIONS, TITLE 5**

~~300-307 Duties of ~~pupils~~ students~~

**UNITED STATES CODE, TITLE 42**

~~2000h-2000h6 Title IX, 1972 Education Act Amendments~~

**UNITED STATES CODE, TITLE 47**

~~254 Universal service discounts (e-rate)~~

**COURT DECISIONS**

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

~~LaVine v. Kent School District No. 415, (2000) 92 F.Supp. 1088~~



*Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088*  
*Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675*  
*New Jersey v. T.L.O., (1985) 469 U.S. 325*  
*Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503*

Management Resources:

**CSBA PUBLICATIONS**

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*  
*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April, 2010*  
*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Bullying at School, 2003*

**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

~~*Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001*~~

**NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS**

~~*Set Straight on Bullies, 1989*~~

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

~~*Preventing Bullying: A Manual for Schools and Communities, 1998*~~

**WEB SITES**

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

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

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

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

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

~~NetSmartz: <http://www.netsmartz.org>~~

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

Policy Adopted: ~~2/11/09~~ 06/13/12 ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



## Educational Services

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

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**TO:** Bob Bush, Superintendent

**FROM:** Holly Edds  
Assistant Superintendent, Educational Services

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Board Policy 5131.2  
BULLYING

**BACKGROUND:** New policy contains material formerly in BP 5131 – Conduct re: strategies for prevention and intervention of bullying. Policy reflects new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, new law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans and new law (AB 746) which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks. Policy also expands topics for related student education, adds strategies for supervision and security and adds language re: reporting of incidents.

This policy replaces an earlier unrelated policy to which the BP number was assigned regarding parking permits for students. This information will now be covered under a Superintendent's Operational Memo.

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

**FUNDING:** No funding implications.

## **Students**

### **BULLYING**

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

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

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

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

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

### **Bullying Prevention**

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

*(cf. 5137 - Positive School Climate)*

*(cf. 6164.2 - Guidance/Counseling Services)*

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

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

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

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

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

### **Intervention**

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

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

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

### **Complaints and Investigation**

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

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

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

matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

## **Discipline**

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

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

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

### *Legal Reference:*

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*32282 Comprehensive safety plan*

*35181 Governing board policy on responsibilities of students*

*35291-35291.5 Rules*

*48900-48925 Suspension or expulsion*

*48985 Translation of notices*

#### **PENAL CODE**

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

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

*653.2 Electronic communication devices, threats to safety*

#### **UNITED STATES CODE, TITLE 47**

*254 Universal service discounts (e-rate)*

#### **COURT DECISIONS**

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

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

### *Management Resources:*

#### **CSBA PUBLICATIONS**

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

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

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

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

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

*Bullying at School, 2003*

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

*Dear Colleague Letter: Harassment and Bullying, October 2010*

#### **WEB SITES**

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

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

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

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

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

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

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

Policy Adopted: 06/13/12

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California



## Educational Services

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

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**TO:** Bob Bush, Superintendent

**FROM:** Holly Edds  
Assistant Superintendent, Educational Services

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Board Policy/Administrative Regulation 5144.1  
SUSPENSION AND EXPULSION/DUE PROCESS

**BACKGROUND:** Reorganized, mandated policy includes language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises material re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances. Reorganized, mandated regulation reflects new law (AB 746) which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks and new law (AB 143) which requires that, when law enforcement officials are notified of certain acts by students with disabilities, they must certify that specified student records will not be disclosed without prior written consent. Regulation also contains some material formerly in BP regarding clarified timeline for the Board's decision as to whether to expel a student.

**RECOMMENDATION:** It is recommended that the Board of Trustees approve the revision to BP/AR 5144.1

**FUNDING:** No funding implications.

## Students

### SUSPENSION AND EXPULSION/DUE PROCESS

BP 5144.1 (a)

~~The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.~~

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

*(cf. 5131 - Conduct)*  
*(cf. 5144 - Discipline)*

~~Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)~~

~~Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.~~

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

*(cf. 1020 - Youth Services)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*  
*(cf. 6142.4 - Service Learning/Community Service Classes)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*



Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Chronic Absence and Truancy)*

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

### **Student Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, **hearings**, and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

*(cf. 5119 - Students Expelled from Other Districts)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

### Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law **and administrative regulation**.

#### ***Legal Reference:***

##### ***EDUCATION CODE***

*212.5 Sexual harassment*  
*1981 Enrollment of students in community school*  
*17292.5 Program for expelled students*  
*32261 Interagency School Safety Demonstration Act of 1985*  
*35146 Closed sessions (re suspensions)*  
*35291 Rules (for government and discipline of schools)*  
*35291.5 Rules and procedures on school discipline*  
*48660-48667 Community day schools*  
*48900-48927 Suspension and expulsion*  
*48950 Speech and other communication*  
*49073-49079 Privacy of student records*

##### ***CIVIL CODE***

*47 Privileged communication*  
*48.8 Defamation liability*

##### ***CODE OF CIVIL PROCEDURE***

*1985-1997 Subpoenas; means of production*

##### ***GOVERNMENT CODE***

*11455.20 Contempt*

54950-54963 *Ralph M. Brown Act*

HEALTH AND SAFETY CODE

11014.5 *Drug paraphernalia*

11053-11058 *Standards and schedules*

LABOR CODE

230.7 *Discharge or discrimination against employee for taking time off to appear in school on behalf of a child*

PENAL CODE

31 *Principal of a crime, defined*

240 *Assault defined*

241.2 *Assault fines*

242 *Battery defined*

243.2 *Battery on school property*

243.4 *Sexual battery*

245 *Assault with deadly weapon*

245.6 *Hazing*

261 *Rape defined*

266c *Unlawful sexual intercourse*

286 *Sodomy defined*

288 *Lewd or lascivious acts with child under age 14*

288a *Oral copulation*

289 *Penetration of genital or anal openings*

626.2 *Entry upon campus after written notice of suspension or dismissal without permission*

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, knives, razors or stun guns*

868.5 *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

729.6 *Counseling*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearm*

UNITED STATES CODE, TITLE 20

7151 *Gun free schools*

COURT DECISIONS

*T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267*

*Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421*

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321*

*Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807*

*Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182*

*John A. v. San Bernardino School District (1982) 33 Cal. 3d 301*

ATTORNEY GENERAL OPINIONS

84 *Ops.Cal.Atty.Gen 146 (2001)*

80 *Ops.Cal.Atty.Gen. 91 (1997)*

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

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Civil Rights Data Collection Summary, Marcy 2012*

WEB SITES

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

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

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

U.S. Department of Education, Office for Civil Rights: <http://ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

Policy Adopted: ~~4/29/09~~ 06/13/12

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

# Board Report

## District 16 -- Orcutt Union

### Fund 01 -- General Fund

As of 5/31/2012

	Beginning Bal/ WrkBudget	Month-To-Date Actual	Year-To-Date Actual	Year-To-Date Encumbrances	Ending Bal/ Remaining Bal
9110 -- Cash in County Treasury	2,145,938.97	(1,969,623.53)	694,239.93	0.00	2,840,178.90
9130 -- Revolving Cash/Fiscal Agent	15,900.00	0.00	2,000.00	0.00	17,900.00
9200 -- Accounts Receivable	5,047,898.21	0.00	(4,987,831.87)	0.00	60,066.34
9310 -- Due from Other Funds	297,768.79	0.00	(297,768.79)	0.00	0.00
9320 -- Stores	12,522.35	0.00	0.00	0.00	12,522.35
<b>Total Assets</b>	<b>7,520,028.32</b>	<b>(1,969,623.53)</b>	<b>(4,589,360.73)</b>	<b>0.00</b>	<b>2,930,667.59</b>
9500 -- Accounts Payable (Current Liabilities)	267,600.22	802.45	(263,114.90)	0.00	4,485.32
9610 -- Due to Other Funds	313,260.12	0.00	(313,260.12)	0.00	0.00
9650 -- Deferred Revenue	71,676.87	0.00	(71,676.87)	0.00	0.00
<b>Total Liabilities</b>	<b>652,537.21</b>	<b>802.45</b>	<b>(648,051.89)</b>	<b>0.00</b>	<b>4,485.32</b>
<b>Fund Balance (Beginning Balance/Actual)</b>	<b>6,867,491.11</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2,926,182.27</b>
9791 -- Net Beginning Balance	6,867,491.11	0.00	6,867,491.11	0.00	6,867,491.11
8010 -- Revenue Limit Sources	22,532,792.00	288,665.01	17,621,898.73	0.00	4,910,893.27
8100 -- Federal Revenue	1,448,660.00	39,038.00	1,016,647.77	0.00	432,012.23
8300 -- Other State Revenues	4,778,520.89	181,919.28	3,490,950.33	0.00	1,287,570.56
8600 -- Other Local Revenue	1,628,862.91	189,274.32	1,493,172.08	0.00	135,690.83
8910 -- Other Financing Sources	268,947.00	1,906.84	252,713.87	0.00	16,233.13
8980 -- Contributions	3.00	0.00	0.00	0.00	3.00
<b>Total Revenues</b>	<b>30,657,785.80</b>	<b>700,803.45</b>	<b>23,875,382.78</b>	<b>0.00</b>	<b>6,782,403.02</b>
1000 -- Certificated Personnel Salaries	16,419,308.09	1,599,376.69	14,588,880.99	0.00	1,830,427.10
2000 -- Classified Personnel Salaries	4,927,493.61	440,948.89	4,445,105.72	0.00	482,387.89
3000 -- Employee Benefits	6,249,368.00	584,154.43	5,463,345.39	0.00	786,022.61
4000 -- Books and Supplies	2,078,521.81	110,479.15	1,086,232.20	94,782.88	897,506.73
5000 -- Services and Other Operating Expenditures	2,301,016.26	(145,631.37)	1,856,606.02	293,249.54	151,160.70
6000 -- Capital Outlay	445,272.96	81,901.64	315,520.26	110,868.71	18,883.99
7000 -- Other Outgo & Transfers Out	564,811.03	0.00	61,001.04	0.00	503,809.99
<b>Total Expenditures</b>	<b>32,985,791.76</b>	<b>2,671,229.43</b>	<b>27,816,691.62</b>	<b>498,901.13</b>	<b>4,670,199.01</b>
<b>Fund Balance (Budget/Actual)</b>	<b>4,539,485.15</b>	<b>0.00</b>	<b>2,926,182.27</b>	<b>0.00</b>	<b>0.00</b>

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



## Educational Services

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

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TO: Bob Bush, Superintendent

FROM: Holly Edds  
Assistant Superintendent, Educational Services

BOARD MEETING DATE: June 13, 2012

BOARD AGENDA ITEM: Exhibit 6161.1  
SELECTION AND EVALUATION OF  
INSTRUCTIONAL MATERIALS

BACKGROUND: Exhibit updated to reflect new law (SB 70) which extends the current definition of "sufficiency" through the 2014-15 fiscal year.

**SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS**

~~PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE FOR “TEXTBOOK ADOPTION PROCESS”~~

**Resolution on Sufficiency of Instructional Materials**

Whereas, the Board of Trustees of the Orcutt Union School District, in order to comply with the requirements of Education Code 60119, held a public hearing on (date), at (time) o'clock, 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 each English learner has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets form only a portion of a textbook or instructional materials copied to address a shortage, and;

Whereas, 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;

**Finding of Sufficient Textbooks or Instructional Materials**

Whereas, sufficient textbooks or instructional materials were provided to each student, including each English learner, that are aligned to the academic content standards and

consistent with the cycles and content of the curriculum frameworks in the following subjects:

Mathematics: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

Science: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

History-social science: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

English/language arts, including the English language development component of an adopted program: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

Foreign language: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

Health: (List adopted textbooks or instructional materials for this subject for each grade level or school as well as applicable state adoption cycle)

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that for the \_\_\_\_\_ school year, the Orcutt Union School District has provided each student with sufficient textbooks or instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

**Finding of Insufficient Textbooks or Instructional Materials**

Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient textbooks or instructional materials were provided to students in the following subjects and grade levels at district schools: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English/language arts, foreign language, and health.)

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Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: (For each school at which there is an insufficiency, list the reasons that each student does not have sufficient instructional materials in each subject and grade level listed above.)

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Therefore, it is resolved, that for the \_\_\_\_\_ school year, the Orcutt Union School District has not provided each student with sufficient textbooks or instructional materials consistent with the cycles and content of the curriculum framework, and;

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made (List actions to be taken to resolve insufficiency. See Education Code 60113(a)(2)(B) for other funds that may be sued to ensure sufficient instructional materials.)

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a meeting, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

Secretary      President





## Educational Services

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

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**TO:** Bob Bush, Superintendent

**FROM:** Holly Edds  
Assistant Superintendent, Educational Services

**BOARD MEETING DATE:** June 13, 2012

**BOARD AGENDA ITEM:** Board Exhibit 5145.6  
PARENTAL NOTIFICATIONS

**BACKGROUND:** Updated, reorganized Exhibit includes new notifications re: (1) information to parents/guardians of student athletes on concussions and head injuries, as required by new law (AB 24); (2) identification of a student for a program for English Learners; and (3) when student's achievement will be measured with California Modified Assessment. Exhibit also deletes unnecessary items, combines some items, and updates legal cites.

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

**FUNDING:** No funding implications.

## **Students**

E 5145.6 (a)

### **PARENT NOTIFICATIONS**

#### **I. Annually**

When to Notify: Beginning of each school year

Education Code or Other Legal Code: Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Annually by February 1

Education or Other Legal Code: Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year in grades 7-12

Education or other legal code: 46010.1

Board Policy/Administrative Regulation: BP 5113

Subject: Absence for confidential medical services

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: Schedule of minimum days

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 231.5, 5 CCR 4917

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Sexual Harassment Policy as related to students

When to Notify: Beginning of each school year

Education Code or Other Legal Code: Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 35160.2, 48204, 46600-46611, 48980

Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1, See AR 5117

Subject: All statutory attendance options, available local attendance options, options for meeting residency

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 46014, 48980  
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113  
Subject: Absence for religious purposes, if Board has adopted resolution allowing such absence

~~When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48205, 48980  
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113  
Subject: Absence for justifiable personal reasons~~

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48205, 48980  
Board Policy/Administrative Regulation #: See AR 6154, BP 5113, AR 5113  
Subject: Excused Absences: grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 48206.3, 48207, 48208, 48980  
Board Policy/Administrative Regulation #: See AR 6183  
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code: Education Code 49403, 48980  
Board Policy/Administrative Regulation #: See BP 5141.31  
Subject: Consent to school immunization program

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49423, 49480, 48980  
Board Policy/Administrative Regulation #: See AR 5141.21  
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49451, 48980, 20 USC 1232h  
Board Policy/Administrative Regulation #: See AR 5141.3  
Subject: Right to Refuse consent to physical examination

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49472, 48980  
Board Policy/Administrative Regulation #: See AR 5143  
Subject: Availability of insurance

When to Notify: Beginning of each school year  
Education or Other Legal Code: Education Code 49063, 49070  
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3  
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, ~~49068~~, 49069, 20 USC 1232g, 34 CFR 99.7

Board Policy/Administrative Regulation #: See AR 5125

Subject: Student records; Inspect and review, access, types, location, persons responsible location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest, **course prospectus availability**

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, 49073

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Release of directory information

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code ~~49510~~-49520, 48980, 42 USC 1758, 7 CFR 245.5

Board Policy/Administrative Regulation #: See AR 3553

Subject: Free and reduced price meals

When to Notify: Annually

Education or Other Legal Code: Education Code 56301

Board Policy/Administrative Regulation #: See BP 6164.4

Subject: Parental rights re special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 58501

Board Policy/Administrative Regulation #: See AR 6181

Subject: Alternative schools

When to Notify: Annually

Education or other legal code: 5 CCR 4622

Board Policy/Administrative Regulation: AR 1312.3

Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 49063, 49091.14~~

~~Board Policy/Administrative Regulation #: See AR 5020, See AR 5125~~

~~Subject: Availability of course prospectus~~

When to Notify: Annually

Education or Other Legal Code: Education Code 5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3

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

When to Notify: Beginning of each school year  
Education or Other Legal Code: 20 USC 1232h  
Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8  
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

When to Notify: For districts receiving Title I funds, beginning of each school year  
Education or Other Legal Code: Education Code 20 USC 6311, 34 CFR 200.61  
Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222  
Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

When to Notify: Annually, if district schools have been identified for program improvement or corrective action

Education or other Legal Code: 20 USC 6316  
Board Policy/Administrative Regulation: AR 0520.2  
Subject: Availability of supplemental educational services, identify of providers, description of services, qualifications, effectiveness of providers

When to Notify: Beginning of each school year  
Education or Other Legal Code: ~~20 USC 1681-1688, 42 USC 2000d-2000d-7~~, 34 CFR 106.9  
Board Policy/Administrative Regulation #: See BP 0410, See BP 6178  
Subject: ~~Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills~~

When to Notify: Annually to parent, teacher and employee organizations; or in their absence individuals  
Education or Other Legal Code: 40 CFR 763.93, 40 CFR 763.93  
Board Policy/Administrative Regulation #: See AR 3514  
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

## II. At Specific Times During the Student's Academic Career

When to Notify: **Beginning in grade 7, at least once prior to course selection and career counseling** ~~before counseling in grades 7 through 12~~  
Education or Other Legal Code: Education Code 221.5, 48980  
Board Policy/Administrative Regulation #: See BP 6164.2  
Subject: Course selection and career counseling

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program  
Education or Other Legal Code: Education Code 32390, 48980  
Board Policy/Administrative Regulation #: See AR 5142.1  
Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported

Education or Other Legal Code: Education Code 39831.5  
Board Policy/Administrative Regulation #: See AR 3543  
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year **for high school students**, if high school **is** open campus

Education or Other Legal Code: Education Code 44808.5, 48980  
Board Policy/Administrative Regulation #: See AR 5112.5  
Subject: Open campus

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or other legal code: 48980, 51225.3  
Board Policy/Administrative Regulation: AR 6146.1  
Subject: How each high school graduation requirement does or does not satisfy college entrance a-g course criteria; list of district CTE courses that satisfy a-g course criteria

When to Notify: Beginning of each school year **for high school students**

Education or Other Legal Code: Education Code 48980, 52244  
Board Policy/Administrative Regulation #: See AR 6141.5  
Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning each school year in grades 9-12 and when high school students transfers into the district

Education Code: Education Code 48980, 60850  
Board Policy/Administrative Regulation #: See AR 6162.52  
Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: When students entering grade 7

Education or Other Legal Code: Education Code 49452.7  
Board Policy/Administrative Regulation #: See AR 5141.3  
Subject: Specified Information on type 2 diabetes

When to Notify: When in kindergarten or 1st grade if not previously, enrolled in public school

Education or Other Legal Code: Education Code 49452.8  
Board Policy/Administrative Regulation #: See AR 5141.32  
Subject: Requirement for oral health assessment, explanation of law, importance of teeth, health, agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 9-12

Education or Other Legal Code: Education Code 51229, 48980  
Board Policy/Administrative Regulation #: See BP 6143  
Subject: College admission requirements, UC and CSU web sites that list certified courses, description of career technical education and CDE Internet address, how students may meet with

counselors

When to Notify: Beginning of each school year for students in grades 7-12

Education or Other Legal Code: Education Code 51938, 48980

Board Policy/Administrative Regulation #: See AR 6142.1

Subject: Explanation of sex and HIV/AIDS instruction, right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education or Other Legal Code: Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

~~When to Notify: Annually to each high school student~~

~~Education or Other Legal Code: Education Code 66204~~

~~Board Policy/Administrative Regulation #: BP 6143~~

~~Subject: Copy of list of courses offered Student that are certified by UC as meeting admission criteria~~

When to Notify: When child is enrolled in kindergarten

Education or Other Legal Code: Health and Safety Code 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

When to Notify: To students in grades 11 and 12, early enough to enable registration for ~~current~~ fall test

Education or Other Legal Code: 5 CCR 11523

Board Policy/Administrative Regulation #: See AR 6146.2

Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: For districts with secondary students receiving Title I funds

Education or Other Legal Code: 20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request that district not release name, address, phone number of child to military recruiters without prior written consent

### III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education or Other Legal Code: Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: At beginning of school year if student has been placed in structured English immersion program

Education or Other Legal Code: Education Code 310, 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174  
Subject: Placement of child in program and opportunity to apply for parental exception waiver

Then to Notify: When student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year  
Education or other legal code: 20 USC 7012  
Board Policy/Administrative Regulation: AR 6174  
Subject: Student's identification for program for English learners; any failure of district to meet annual measurable achievement of objectives

When to Notify: Before high school student attends specialized secondary program on a university campus  
Education or Other Legal Code: Education Code 17288  
Board Policy/Administrative Regulation #: None  
Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list  
Education or Other Legal Code: Education Code 17612  
Board Policy/Administrative Regulation #: See AR 3514.2  
Subject: Intended use of pesticide product

When to Notify: To members of athletic teams  
Education or Other Legal Code: Education Code 32221.5  
Board Policy/Administrative Regulation #: See AR 5143  
Subject: Offer of insurance, no-cost and low-cost program options

When to Notify: If school has lost its WASC accreditation status  
Education or Other Legal Code: Education Code 35178.4  
Board Policy/Administrative Regulation #: See BP 6190  
Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy  
Education or Other Legal Code: Education Code 35183  
Board Policy/Administrative Regulation #: See AR 5132  
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Beginning of each term for students who have not passed the exit examination by the end of grade 12  
Education or Other Legal Code: Education Code 37254  
Board Policy/Administrative Regulation #: See AR 6179  
Subject: Availability of intensive instruction and services for two consecutive academic years and right to file complaint

When to Notify: Before implementing a year-round schedule  
Education or Other Legal Code: Education Code 37616



Board Policy/Administrative Regulation #: See BP 6117  
Subject: Year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education or Other Legal Code: Education Code 46601  
Board Policy/Administrative Regulation #: See AR 5117  
Subject: Appeal process

When to Notify: Before early entry to kindergarten, if offered

Education or Other Legal Code: Education Code 48000  
Board Policy/Administrative Regulation #: See AR 5111  
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention

Education or Other Legal Code: Education Code 48070.5  
Board Policy/Administrative Regulation #: See AR 5123  
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health

Education or Other Legal Code: Education Code 48213  
Board Policy/Administrative Regulation #: See AR 5112.2, See BP 5141.33  
Subject: Student has been excluded from school

When to Notify: Before student is excluded for lack of immunization

Education or Other Legal Code: Education Code 48216  
Board Policy/Administrative Regulation #: See AR 5141.31  
Subject: Two weeks to submit evidence of immunization or exemption; referral to medical care

When to Notify: When a student is classified a truant

Education or Other Legal Code: Education Code 48260.5, 48262  
Board Policy/Administrative Regulation #: See AR 5113.1  
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department

Education or Other Legal Code: Education Code 48263  
Board Policy/Administrative Regulation #: See AR 5113.1  
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: When a school is identified on the state's Open Enrollment List

Education or Other Legal Code: Education Code 48354; 5 CCR 4702  
Board Policy/Administrative Regulation #: See AR 5118  
Subject: Student's option to transfer to another school

When to Notify: Within 60 days of receiving application for transfer out of open enrollment school

Education or Other Legal Code: Education Code 48357; 5 CCR 4702

Board Policy/Administrative Regulation #: See AR 5118

Subject: Whether student's transfer application is accepted or rejected; reasons for rejection

When to Notify: Prior to involuntary transfer to continuation school

Education or Other Legal Code: Education Code 48432.5

Board Policy/Administrative Regulation #: See AR 6184

Subject: Right to require a meeting prior to involuntary transfer to continuation school

When to Notify: Prior to withholding grades, diplomas, or transcripts

Education or Other Legal Code: Education Code 48904

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student

Education or Other Legal Code: Education Code 48904.3

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer

Education or Other Legal Code: Education Code 48906

Board Policy/Administrative Regulation #: See BP 5145.11

Subject: Release of student to peace officer

When to Notify: At time of suspension

Education or Other Legal Code: Education Code 48911

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Notice of suspension

When to Notify: When original period of suspension is extended

Education or Other Legal Code: Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Extension of suspension

When to Notify: Before holding a closed session re: suspension

Education or Other Legal Code: Education Code 48912

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission

Education or Other Legal Code: Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See AR 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied  
Education or Other Legal Code: Education Code 48916  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs  
Education or Other Legal Code: Education Code 48916  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing  
Education or Other Legal Code: Education Code 48918  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs  
Education or Other Legal Code: Education Code 48918  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day  
Education or Other Legal Code: Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site  
Education or Other Legal Code: Education Code 48987  
Board Policy/Administrative Regulation #: See AR 5141.4  
Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course  
Education or Other Legal Code: Education Code 49067  
Board Policy/Administrative Regulation #: See AR 5121  
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school  
Education or Other Legal Code: Education Code 49068  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer  
Education or Other Legal Code: Education Code 49076  
Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena

Education or Other Legal Code: Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis

Education or Other Legal Code: Education Code 49452.5

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Education or Other Legal Code: Education Code 49456

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Vision or hearing test

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition

Education or other legal code: 49475

Board Policy/Administrative Regulation: AR 6145.2

Subject: Information on concussions and head injuries

When to Notify: Before any test questioning personal beliefs

Education or Other Legal Code: Education Code 51513

Board Policy/Administrative Regulation #: See AR 5022

Subject: Permission for test/survey questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: BP 6142.1

Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12

Education or Other Legal Code: Education Code: 51938

Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice that the survey will be administered

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

Education or Other Legal Code: Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Assessment results; program of education for English language learners

When to Notify: When migrant education program is established

Education or Other Legal Code: Education Code 54444.2

Board Policy/Administrative Regulation #: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Education or Other Legal Code: Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system

Education or Other Legal Code: Health and Safety Code 120440

Board Policy/Administrative Regulation #: See AR 5125

Subject: Types of information to be shared, name and address of agency; acceptable use of the information; right to examine; right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises

Education or Other Legal Code: Penal Code 627.5

Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When to Notify: Prior student participation in gifted and talented program

Education or Other Legal Code: 5 CCR 3831

Board Policy/Administrative Regulation #: See AR 6172

Subject: Gifted and talented student program

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational program

Education or Other Legal Code: 5 CCR 4631

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: Within 30 calendar days of receipt of CELDT results

Education or Other Legal Code: 5 CCR 11511.5

Board Policy/Administrative Regulation #: See AR 6174

Subject: CELDT test results

When to Notify: When child participates in licensed child care and development program

Education or Other Legal Code: 5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: When district substantively changes policy on student privacy rights

Education or Other Legal Code: 20 USC 1232h

Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

Education or Other Legal Code: 20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.24

Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

Education or Other Legal Code: 20 USC 6312

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Notice of failure to parents of English language learners

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners

Education or Other Legal Code: 20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: When school identified for program improvement or corrective action

Education or Other Legal Code: 20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1

Subject: Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

~~When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually~~

~~Education or Other Legal Code: 20 USC 6316~~

~~Board Policy/Administrative Regulation #: See AR 0520.2~~

~~Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers~~

When to Notify: When district identified for program improvement

Education or Other Legal Code: 20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.3

Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

Education or Other Legal Code: 20 USC 6318

Board Policy/Administrative Regulation #: See AR 6020

Subject: Notice of policy

When to Notify: When household is selected for verification of eligibility for free or reduced price meals  
Education or Other Legal Code: 42 USC 1758; 7 CFR 246.6a  
Board Policy/Administrative Regulation #: See AR 3553  
Subject: Notice of need to submit verification information; any subsequent change in benefits; right to appeal

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30  
Education or Other Legal Code: 34 CFR 99.34  
Board Policy/Administrative Regulation #: See AR 5125  
Subject: Right to review records

#### IV. Special Education Notices

When to Notify: Prior to conducting initial evaluation  
Education Code 56301, 56321, 56321.5, 56321.6, 56329, 34 CFR 300.502  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: Proposed evaluation plan, related parental rights, prior written notice

When to Notify: 24 hours before IEP when district intending to record  
Education or Other Legal Code: Education Code 56341.1, 34 CFR 300.322  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Intention to audio record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting  
Education or Other Legal Code: Education Code 56341.5 ~~34 CFR 300.322~~  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent orally requests review of IEP  
Education or Other Legal Code: Education Code 56343.5  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Need for written request

When to Notify: For student receiving exit exam waiver, prior to receipt of diploma  
Education or Other Legal Code: Education Code 60852.4  
Board Policy/Administrative Regulation #: See AR 6162.52  
Subject: Right to FAPE

When to Notify: When student is selected to be assessed with the California Modified Assessment  
Education or other legal code: 5 CCR 850  
Board Policy/Administrative Regulation: AR 6162.51

**Subject: Notice that the student's achievement will be measured based on modified achievement standard**

When to Notify: Before functional behavioral assessment begins  
Education or Other Legal Code: 5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan  
Education or Other Legal Code: 5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Need for modification, right to question modification

When to Notify: Within one school day of emergency intervention or serious property damage  
Education or Other Legal Code: 5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement, or FAPE, including when parent/guardian revokes consent for services  
Education or Other Legal Code: 20 USC 1415(c), 34 CFR 300.300, 300.503  
Board Policy/Administrative Regulation #: See AR 6159, AR 6159.1  
Subject: Prior written notice

When to Notify: Initial referral for evaluation  
Education or Other Legal Code: 20 USC 1415(d) 34 CFR 300.503  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Prior written notice and procedural safeguards notice

When to Notify: Registration of complaint  
Education or Other Legal Code: 20 USC 1415(d) 34 CFR 300.504  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Procedural safeguards notice

When to Notify: Disciplinary action taken for dangerous behavior  
Education or Other Legal Code: 20 USC 1415(k) 34 CFR 300.530  
Board Policy/Administrative Regulation #: See AR 5144.2  
Subject: Decision and procedural safeguards notice

When to Notify: Suspension or change of placement for more than 10 days  
Education or Other Legal Code: 20 USC 1415(k) 34 CFR 300.530  
Board Policy/Administrative Regulation #: See AR 5144.2  
Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing  
Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.508



Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504

Education or Other Legal Code: 34 CFR 104.32, 104.36

Board Policy/Administrative Regulation #: See AR 6164.6

Subject: Procedural Safeguards, district responsibilities

V. Classroom Notices

When to Notify: In each classroom in each school

Education or Other Legal Code: Education Code 35186

Board Policy/Administrative Regulation #: See AR/E 1312.4, ~~See E 1312.4~~

Subject: Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities, and, for classrooms with grades 10-12, right of students who did not pass the exit exam to receive intensive instruction after completion of grade 12

Exhibit Approved: ~~10/12/11~~ 06/13/12

## **Students**

### **SUSPENSION AND EXPULSION/DUE PROCESS**

#### **Definitions**

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(t))

## Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. ~~Transfer students and their parents/guardians shall be notified at the time of enrollment.~~ (Education Code 35291.5, 48900.1, 48980)

~~Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline.~~  
(Education Code 35291)

*(cf. 5144 - Discipline)*

*(cf. 5145.6 - Parental Notifications)*

## Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) ~~once~~ when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

*(cf. 5131.6 - Alcohol and Other Drugs)*

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as

defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

*(cf. 5131.62 – Tobacco)*

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

*(cf. 5131.4 – Student Disturbances)*

12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm. (Education Code 48900(m))

~~, i.e.,~~ a **Imitation firearm** means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or pre initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, ethnicity, religion, ancestry, national origin,

nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim, or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233, Penal Code 622.55)

*(cf. 5145.9 - Hate-Motivated Behavior)*

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

*(cf. 5145.3 - Nondiscrimination/Harassment)*

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or post on a social network Internet web site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

*(cf. 1114 – District-Sponsored Social Media)*

*(cf. 5131.2 – Bullying)*

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school ~~under the jurisdiction of the Superintendent or principal~~ or within any other school district, including, but not limited to, the following ~~circumstances~~: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school

*(cf. 5131.1 – Bus Conduct)*

3. During the lunch period, whether on or off the school campus

*(cf. 5112.5 - Open/Closed Campus)*

4. During, going to, or coming from a school-sponsored activity

~~The Superintendent or principal may use his/her discretion to provide alternatives to suspension for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))~~

~~Alternatives to suspension shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.~~

~~*(cf. 5113 - Absences and Excuses)*  
*(cf. 5113.1 - Truancy)*~~

### **Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she ~~The student~~ shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

~~Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)~~

~~This notice shall also:~~

- ~~1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date~~
- ~~2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student~~
- ~~3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1~~

### **Suspension by Superintendent, Principal, or Principal's Designee**

~~The Superintendent, principal or principal's designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911) A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)~~

~~However, the Superintendent, principal or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

~~In addition, the Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)~~

- ~~1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence~~
- ~~2. Brandishing a knife, as defined in Education Code 48915(g), at another person~~
- ~~3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058~~



4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

~~Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)~~

~~Suspension also may be imposed upon a first offense if the Superintendent or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. ~~If the student is disabled, additional limitations to suspension apply, see AR 5144.4. (Education Code 48903, 48911, 48912)~~

*(cf. 6184 – Continuation Education)*

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or principal's designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. ~~An "emergency situation"~~ involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee ~~of the school in which the student is enrolled at the time of the misbehavior.~~ A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about ~~a student's~~ his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to **to challenge the original suspension. Extension of the suspension may only be made only** if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **Authority to Expel**

A student may be expelled only by the Board. (Education Code 48948(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

**For all other grounds listed above under "Grounds for Suspension and Expulsion", the Board may also shall order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the Superintendent, principal, or designee, hearing officer, or administrative panel, based on only if the Board makes a finding of either or both of the following finding(s):** (Education Code 48915(b))

and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

(The above secondary findings are not required in cases involving mandatory expulsion offenses)

### **Mandatory Recommendation for Expulsion**

Unless the Superintendent, principal, or designee finds that expulsion is inappropriate due to particular circumstances, the Superintendent, ~~or the principal~~, or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

### **Mandatory Recommendation and Mandatory Expulsion**

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c)).

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual

battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

### **Student's Right to Expulsion Hearing**

~~The~~ Any student recommended for expulsion shall be is entitled to a hearing to determine whether ~~the student~~ he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal or designee determines that ~~one~~ the student has committed one of the acts listed under "Grounds for Suspension and Expulsion" ~~has occurred~~. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and

regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
5. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

*(cf. 5119 - Students Expelled from Other Districts)*

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

### **Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** It is the policy of the District not to issue subpoenas in student expulsion hearings.
4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the

hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
    - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.



- (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.  
(Education Code 48918(a))
7. Decision: ~~Within 40 School Days: If the Board does not meet on a weekly basis, its decision on~~ **The Board's decision as to** whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.  
(Education Code 48918(a)).

The following language applies to districts that use a hearing officer or administrative panel - we do not do this and can strike the language unless you see a reason to leave it in

**~~Alternative Expulsion Hearing: Hearing Officer or Administrative Panel~~**

~~Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.~~  
(Education Code 48918(d))

~~A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))~~

~~The hearing officer or administrative panel shall, within three school days after the~~

~~hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))~~

~~If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))~~

~~In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)~~

~~The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))~~

### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

### **Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in ~~Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915~~ above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### **Decision Not to Enforce Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the time of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915. (Education Code 48918(j)).
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education. (Education Code 48917)

### **Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and

supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students or nonstudents regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

### **Post-Expulsion Placements**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Not housed at the school site attended by the student at the time of suspension

*(cf. 6158 – Independent Study)*

*(cf. 6185 - Community Day School)*

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #19-21 under "Grounds for Suspension and Expulsion" above may be ~~instead~~ referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.

(Education Code 48916.1)

### **Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees.  
(Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.  
(Education Code 48916)

### **Denial of Enrollment if Expelled from Another District**

The Board of Trustees must deny the enrollment of a pupil currently expelled from

another school for any offenses listed in Education Code 48915 (a) or 48915 (c) (see AR 5144.1 (l) or AR 5144.1 (m)) and shall not permit enrollment in any district school during the period of expulsion unless it is a county community school, a juvenile court school, or a community day school

After the term of expulsion and after a determination has been made, pursuant to a hearing, that a pupil previously expelled from another school district for any act described in Education Code 48915 (a) or 48915 (c) (see AR 5144.1 (l) or AR 5144.1 (m)) does not pose a danger to either the pupils or employees of the school district, the Board of Trustees of the school district may permit the individual to enroll in the school district subject to one of the following conditions:

1. He or she has established legal residence in the school district.
2. He or she is enrolled in the school pursuant to an interdistrict attendance agreement executed between the affected school districts.

If the Board of Trustees receives a request from a pupil who is currently expelled from another school district for an act other than those described in Education Code 48915 (a) or 48915 (c) (see AR 5144.1 (l) or AR 5144.1 (m)) for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the pupils or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of pupils. If, after holding a hearing, a determination has been made that the pupil who is currently expelled from another district for an act other than those described in Education Code 48915 (a) or 48915 (c) poses a danger to either the pupils or employees of the district, the board may deny enrollment to the pupil for the remainder of the expulsion period.

If, after holding a hearing, a determination has been made, that a pupil currently expelled from another district for an act other than those described in Education Code 48915 (a) or 48915 (c) (see AR 5144.1 (l) or AR 5144.4 (m)) does not pose a danger to either the pupils or employees of the school district, the Board of Trustees shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts.

### **Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

*(cf. 5125 – Student Records)*

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*

### **Outcome Data**

The Superintendent or designee shall maintain the following data: ~~and report such data annually to the California Department of Education, using forms supplied by the California Department of Education:~~ (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

### ***Legal References:***

*Education Code: 35291 Rules (of governing boards  
35146 Executive sessions: (re: suspensions)  
48900-48925 Suspension and Expulsion*

Regulation Approved: ~~(4/29/09)~~ 9/8/10 06/13/12

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California





Holly Edds, Assistant Superintendent  
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TO: Bob Bush, Superintendent

FROM: Holly Edds  
Assistant Superintendent, Educational Services

BOARD MEETING DATE: June 13, 2012

BOARD AGENDA ITEM: Administrative Regulation 5144.2  
SUSPENSION AND EXPULSION/DUE PROCESS  
(Students with Disabilities)

BACKGROUND: Regulation updated to reflect new law (AB 143) which requires that, when law enforcement is notified of certain acts by students with disabilities, law enforcement officials must certify that specified student records will not be disclosed without prior written parental consent. Revised regulation also clarifies that students with disabilities are subject to the same suspension and expulsion procedures as notdisabled students unless otherwise specified.

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds for suspension and expulsion which apply to students without disabilities, **except as otherwise specified in this administrative regulation.**

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

**Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. *(34 CFR 300.530; Education Code 48903)*

The principal or designee in consultation with the Director of Pupil Services shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

*(cf. 6159 - Individualized Education Program)*

The ~~district~~ **Superintendent or designee** shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances: *(34 CFR 300.536)*

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, **or the student is suspended for more than 10 school days in the same year**, the student's IEP team shall determine the appropriate educational services. **Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to**

progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

### **Services During Suspension**

~~Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers and the Director of Pupil Services, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)~~

~~If a student with a disability is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)~~

If a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

### **Interim Alternative Educational Placement Due to Dangerous Behavior**

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:  
(20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team.  
(20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. *(20 USC 1415(k)(1)(D); 34 CFR 300.530)*

### **Manifestation Determination**

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. *(20 USC 1415(k)(1)(H); 34 CFR 300.530)*

*(cf. 5145.6 - Parental Notifications)*

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

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.  
*(20 USC 1415(k)(1)(E); 34 CFR 300.530)*

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

*(20 USC 1415(k)(1)(E); 34 CFR 300.530)*

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability.

*(20 USC 1415(k)(1)(E); 34 CFR 300.530)*

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the

change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

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

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

However, the student's IEP team shall determine services necessary to enable him/her ~~The student shall receive services to the extent necessary~~ to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

## **Due Process Appeals**

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

*(20 USC 1415(k)(4); 34 CFR 300.533)*

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

### **~~Suspension of Expulsion~~ Decision Not to Enforce Expulsion Order**

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. *(Education Code 48917)*

### **Notification to Law Enforcement Authorities**

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. *(Education Code 49076)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

### **Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. *(Education Code 48203)*

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with a disability pursuant to IDEA and who has engaged in behavior that determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, only if the district had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred. of the student's disability. *(20 USC 1415(k)(5); 34 CFR 300.534)*

~~The district shall be deemed to have knowledge that the student has a disability if one of the following conditions exists~~ Knowledge means that, before the occurrence of the behavior that precipitate the disciplinary action, one of the following occurred: *(20 USC 1415(k)(5); 34 CFR*

300.534)

1. The parent/guardian, **in writing**, has expressed concern to district supervisory or administrative personnel ~~in writing~~, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to **20 USC 1414(a)(1)(B)** or 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

**However**, the district would be deemed to not have knowledge ~~that of~~ a student's **disability**, is ~~disabled~~ if the parent/guardian has not allowed ~~the student~~ **him/her** to be evaluated for special education services or has refused services, **or after evaluating the student**. ~~In addition, the district would be deemed to not have knowledge if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and the district determined that the student he/she was not an individual with a disability.~~

When the district is deemed to not have knowledge of the **student's** disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

***Legal Reference:***

*EDUCATION CODE*

35146 *Closed sessions re: suspensions*  
35291 *Rules of governing board*  
48203 *Reports of severance of attendance of disabled students*  
48900-48925 *Suspension and expulsion*  
56000 *Special education; legislative findings and declarations*  
56320 *Educational needs; requirements*  
56321 *Development or revision of individualized education program*  
56329 *Independent educational assessment*  
56340-56347 *Individualized education program teams*  
56505 *State hearing*

*PENAL CODE*

245 *Assault with deadly weapon*  
626.2 *Entry upon campus after written notice of suspension or dismissal without permission*  
626.9 *Gun-Free School Zone Act*  
626.10 *Dirks, daggers, knives, razors, or stun guns*

*UNITED STATES CODE, TITLE 18*

930 Weapons  
1365 Serious bodily injury  
UNITED STATES CODE, TITLE 20  
1412 State eligibility  
1415 Procedural safeguards  
UNITED STATES CODE, TITLE 21  
812 Controlled substances  
UNITED STATES CODE, TITLE 29  
706 Definitions  
794 Rehabilitation Act of 1973, Section 504  
CODE OF FEDERAL REGULATIONS, TITLE 34  
104.35 Evaluation and placement  
104.36 Procedural safeguards  
300.1-300.818 Assistance to states for the education of students with disabilities, especially:  
300.530-300.537 Discipline procedures  
COURT DECISIONS  
*Schaffer v. Weast*, (2005) 546 U.S. 549  
*Parents of Student W. v. Puyallup School District*, (1994 9th Cir.) 31 F.3d 1489  
*M.P. v. Governing Board of Grossmont Union High School District*, (1994) 858 F.Supp. 1044  
*Honig v. Doe*, (1988) 484 U.S. 305

**Management Resources:**

**FEDERAL REGISTER**

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

**WEB SITES**

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

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osep>*

Regulation Approved: ~~8/18/10~~06/13/12

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California