# CENTER JOINT UNIFIED SCHOOL DISTRICT

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Students will realize their dreams by developing communication skills, reasoning, integrity, and motivation through academic excellence, a well-rounded education, and being active citizens of our diverse community.

## **BOARD OF TRUSTEES SPECIAL MEETING**

LOCATION:

**District Office - Room 5** 

8408 Watt Avenue, Antelope, CA 95843

DATE/TIME:

Wednesday, October 3, 2012 @ 6:00 p.m.

## **AGENDA**

- I. CALL TO ORDER & ROLL CALL 6:00 p.m.
- II. FLAG SALUTE
- III. ADOPTION OF AGENDA

Action

IV. COMMENTS FROM THE AUDIENCE REGARDING ITEMS ON THE AGENDA

Public Comments

V. BUSINESS ITEMS

Governance

First Reading: Board Policies/Regulations/Exhibits

Action

#### BP/AR 0450 - Comprehensive Safety Plan

(BP/AR revised)

Policy updated to reflect NEW LAW (AB 680) which authorizes district administrators rather than school site councils to develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents on school sites that may result in death or serious bodily injury and allows boards to prohibit public disclosure of those strategies. Policy also clarifies that the requirement to annually update the comprehensive safety plan applies to districts selecting either Option 1 (school site plans) or Option 2 (districtwide plan). Regulation updates section on "Content of the Safety Plan" to include examples of indicators that might be used to assess current school safety, reflects NEW LAW (AB 9) which adds requirements related to the district's nondiscrimination policy, reflects NEW LAW (AB 1156) which encourages districts to include bullying policies in their plans, reflects NEW LAW (AB 123) which expands the definition of a "disruption," and adds new optional language re: dating violence and threat assessment strategies.

Note: If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the Superintendent's Office at (916) 338-6409 at least 48 hours before the scheduled Board meeting. [Government Code §54954.2] [Americans with Disabilities Act of 1990, §202.]

NOTICE: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at Center Joint Unified School District, Superintendent's Office, located at 8408 Watt Avenue, Antelope, CA. For more information please call 916-338-6409.

#### **BB 9223 - Filling Vacancies**

(BB revised)

Bylaw updated to reflect NEW LAW (AB 334) which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. Updated bylaw also reflects current law which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first

# BP 0410 - Nondiscrimination in District Programs and Activities

(BP revised)

Policy updated to reflect NEW LAW (AB 887 and SB 559) which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identity. Policy also reflects federal regulations which (1) require newly constructed district facilities to comply, starting March 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs and (2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity.

#### BP/AR 0420.4 - Charter School Authorization

(BP/AR revised)

Retitled policy and regulation address processes for submission of a charter petition to the district and for the Board's review and approval/denial of the petition. Updated policy describes the circumstances under which petitioners may submit a petition directly to the County Board of Education or the State Board of Education (SBE), and parents/guardians' rights under the Parent Empowerment Act to submit a petition to convert a school into a charter school, Policy also contains material formerly in AR re: the Board's responsibilities for approval/denial of a charter petition and adds language on the petitioners' right to submit a denied petition to the County Board and then the SBE. Updated regulation details the closure procedures that must be included in a petition, deletes outdated material in section "Location of Charter School," and revises the role of the petition review committee.

### BP/E 0420.41 - Charter School Oversight

(BP/E added)

New policy contains material formerly in BP/AR 0420.4 re: the Board's responsibility for monitoring the performance of any charter school it authorizes, approving any material revisions to the charter, and ensuring that notifications are provided in the event the school closes for any reason. Policy also includes new material re: appointing a representative to the governing body when the school is, or is operated by, a nonprofit public benefit corporation, deletes material formerly in section on "Waivers" which reflected law that has been repealed, and reflects state regulation re: timeline for notification to California Department of Education (CDE) of school closure. Exhibit reflects legal requirements for charter schools formerly in AR 0420.4, updated to add new items on student fees (item #6), transitional kindergarten (item #11), and students' freedom of expression (item #23) and to delete date in item #26 that has already passed.

### BP 0420.42 - Charter School Renewal

(BP added)

New policy contains material formerly in AR 0420.4 re: submission and review of a petition for charter renewal. Policy reflects NEW STATE REGULATIONS (Register 2011, No. 43) which (1) require that the Board grant or deny the renewal petition within 60 days of receiving the petition, unless extended to 90 days by mutual agreement, and (2) provide that the petition will be automatically renewed if the Board fails to act within this timeline. Policy also reflects the charter school's right to petition the County Board and then the SBE if the district denies the renewal.

## **BP 0420.43 - Charter School Revocation**

(BP added)

New policy contains material formerly in AR 0420.4 re: grounds for revocation of a charter and required notifications. Policy reflects NEW COURT DECISION which found that a charter school is not entitled to any additional evidentiary hearing by a neutral third party. Policy also reflects NEW STATE REGULATIONS (Register 2011, No. 1 and No. 46) which establish procedures for revocation by the Board or the SBE, specify alternative procedures to use to immediately revoke a charter when there is a severe and imminent threat to student health or safety, and address the charter school's right to appeal the revocation to the County Board and then the SBE.

#### BP 1250 - Visitors/Outsiders

(BP revised)

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.

### BP/AR 1312.3 - Uniform Complaint Procedures

(BP/AR revised)

MANDATED policy updated to reflect NEW LAW (AB 887 and SB 559) which expands the prohibited bases of discrimination subject to uniform complaint procedures (UCP) to include genetic information, gender expression, and gender identity. MANDATED regulation revised to add, pursuant to the CDE's Federal Program Monitoring procedures, that the annual written notification should include a statement that copies of UCP will be provided free of charge. Regulation also revised to (1) require agreement of all parties (not just the complainant) before proceeding to mediation, and (2) clarify that the requirement that a complainant must wait until after 60 days of filing an appeal with the CDE before he/she pursues a civil law remedy applies only with respect to a complaint of discrimination based on state law.

#### AR 3515.2 - Disruptions

(AR revised)

Regulation updated to reflect NEW LAW (AB 123) which makes it a misdemeanor for a person to willfully or knowingly create a disruption with the intent to threaten the immediate physical safety of any student in grades K-8.

### BP 4030 - Nondiscrimination in Employment

(BP revised)

Policy updated to reflect NEW LAW (SB 559 and AB 887) which expands categories of prohibited discrimination to include genetic information, gender expression, and gender identity. Policy also reflects NEW COURT DECISION which clarifies that a third party may file a suit alleging retaliation for a complaint by another person to whom the third party is related.

#### BP 4312.1 - Contracts

(BP revised)

Policy updated to reflect NEW LAW (AB 1344) which prohibits the Board from calling a special meeting to consider the salary or other compensation of management employees, prohibits automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment, and requires contracts executed or renewed after January 1, 2012, to contain a provision requiring an employee to reimburse the district in the event he/she is convicted of a crime involving abuse of his/her office or position. Policy also adds statement re: Board deliberation of employment contract in closed session.

### BP/AR 5126 - Awards for Achievement

(BP/AR revised)

Policy updated to reflect NEW LAW (AB 815) which establishes a State Seal of Biliteracy to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English. Policy also contains optional language for districts that choose to provide "pathway awards" recognizing benchmarks toward biliteracy at earlier grade levels. MANDATED regulation updated to reflect eligibility criteria and other requirements for State Seal of Biliteracy as added by AB 815. Regulation also adds optional general rules governing student applications for the district's scholarship and loan fund and optional notifications to inform students of eligibility requirements for various awards.

### BP 5131 - Conduct

(BP revised)

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.

### BP 5131.2 - Bullying

(BP added)

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.

### BP 5144.1 - Suspension and Expulsion/Due Process

(BP revised)

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 re: parental attendance when teacher removes student from class, and clarifies timeline for the Board's decision as to whether to expel a student.

# AR 5144.1 - Suspension and Expulsion/Due Process

(AR revised)

MANDATED regulation updated to reflect NEW LAW (AB 1732, 2012) which identifies specific conduct that would constitute a post on a social network Internet web site, for purposes of identifying an act of bullying, to include posting to or creating a burn page, creating a credible impersonation of a student, and creating a false profile. In addition, updated regulation clarifies that, although state law defines "bullying" to include acts of sexual harassment, hate violence, or harassment, threat, or intimidation (as described in items #20-22 in the section "Grounds for Suspension and Expulsion"), students below grade 4 may only be disciplined for such acts if all the criteria for "bullying" are met (e.g., a third grade student's act of harassment results in harm to a reasonable student).

# AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

(AR revised)

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 nondisabled students unless otherwise specified.

### BP 5145.3 - Nondiscrimination/Harassment

(BP revised)

MANDATED policy updated to reflect NEW LAW (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including gender identity and gender expression. Policy also adds language (1) prohibiting retaliation against students who file a complaint or report, and (2) requiring related training of students, parents/guardians, and employees.

### E 5145.6 - Parental Notifications

(E revised)

Updated, reorganized Exhibit includes new notifications re: (1) how each graduation requirement does or does not satisfy a-g college entrance criteria, including list of career technical education (CTE) courses that satisfy a-g criteria, as required by NEW LAW (AB 1330); (2) information to parents/guardians of student athletes on concussions and head injuries, as required by NEW LAW (AB 25); (3) availability of topical fluoride dental treatment; (4) identification of a student for a program for English learners; (5) when parental attendance is required when student removed from class; and (6) when student's achievement will be measured with California Modified Assessment. Exhibit also deletes unnecessary items, combines some items, and updates legal cites.

#### BP/AR 5145.7 - Sexual Harassment

(BP/AR revised)

MANDATED policy updated to reflect NEW OCR GUIDANCE which clarifies that (1) sexual violence (e.g., rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; (2) districts should provide information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and (3) districts should respond to sexual harassment that comes to their attention even when a victim requests anonymity. Regulation updated to add sexual assault, sexual battery, and sexual coercion to examples of sexual harassment per NEW OCR GUIDANCE. Regulation also reflects information in the OCR guidance that districts may have an obligation to respond to student-on-student sexual harassment which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment for the victim at school.

# BP/AR 6145 - Extracurricular and Cocurricular Activities

(BP/AR revised)

MANDATED policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Regulation updated to clarify the applicability of legal definitions of extracurricular and cocurricular activities and to add section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.

### AR 6159 - Individualized Education Program

(AR revised)

Reorganized, MANDATED regulation reflects repeal of law which previously required districts to request participation of a county mental health agency in the individualized education program (IEP) team before referring a student to the county mental health agency. Regulation also clarifies membership of IEP team, possible alternative student assessments for students with disabilities and current exemption from high school exit examination, and parental right to examine student records, and reorganizes material for IEP development and review into applicable sections.

### BP/AR 6178.1 - Work-Based Learning

(BP/AR revised)

Retitled policy and regulation updated to address a broad range of work-based learning opportunities in addition to work experience education (WEE). Policy also encourages involvement of businesses in program planning and implementation, reflects law requiring written training agreements with employers, adds material on program evaluation, and includes material formerly in AR re: work permits, applicable labor laws, teacher qualifications, and records. Updated regulation reflects NEW STATE REGULATIONS (Register 2011, No. 12) changing the name of the career technical WEE program, and adds new sections reflecting requirements of cooperative career technical education/community classroom programs and job shadowing.

### BP 7110 - Facilities Master Plan

(BP revised)

Policy updated to add (1) role of Board in approving the facilities master plan, (2) regular review and updating of the plan, (3) plan components, (4) a list of minimum general standards for school facilities, (5) other applicable standards including green building standards and the Americans with Disabilities Act, and (6) consideration of joint use of facilities.

# BP/AR 7214 - General Obligation Bonds

(BP/AR revised)

Updated policy includes material formerly in AR re: appointment of citizens' oversight committee for bonds approved under the 55 percent threshold, reflects NEW LAW (SB 423) which establishes a date by which audits must be given to the committee, and provides option for districts to establish citizens' oversight committee for bonds approved under the 66.67 percent threshold. Sections on "Certificate of Results" and "Resolution Regarding Sale of Bonds" moved from AR to BP since Board action is required. Updated regulation revises section on "Citizens' Oversight Committee" to (1) clarify that the legal requirements apply only to bonds approved under 55 percent threshold and (2) more directly reflect law re: committee's duties by deleting duty to ensure audits are conducted in accordance with Government Auditing Standards.

### BP/AR 3511.1 - Integrated Waste Management

(BP/AR revised)

Updated policy and regulation reflect NEW LAW (AB 341, 2011) which requires schools that generate more than four cubic yards of solid waste per week to arrange for recycling services in accordance with law. Policy also references resources available through the California Department of Resources Recycling and Recovery (CalRecycle), links integrated waste management to broader goal of green school operations, and adds language related to program monitoring and evaluation.

### AR 3550 - Food Service/Child Nutrition Program

(AR revised)

Updated regulation reflects NEW FEDERAL REGULATIONS (77 Fed. Reg. 17) which revise the nutrition standards for the National School Lunch and Breakfast Program. Regulation also deletes separate item prohibiting artificial trans fat since the new federal regulations now include this prohibition, and deletes the state's Shaping Health as Partners in Education (SHAPE) menu planning option as an alternative based on U.S. Department of Agriculture action to disallow this option. Section on nutrition standards for foods and beverages sold outside the reimbursable meal programs deleted; BP/AR 3554 - Other Food Sales addresses sales of competitive foods. Section on "Drinking Water" expanded to include recommendations from the California Department of Education (CDE) for satisfying legal requirement to provide free drinking water during meal service.

### BP/E 4112.9/4212.9/4312.9 - Employee Notifications

(BP/E added, AR deleted)

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

### BP 4119.1/4219.1/4319.1 - Civil and Legal Rights

(BP revised)

Updated policy reflects NEW COURT DECISION which held that supervisors with authority to take personnel actions may be held liable for their acts of retaliation against employees who disclose improper governmental action, and adds statement about the right of an employee to seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her. Policy also revised to reflect law providing that an employee is not protected against liability if his/her misconduct occurred during background investigations or other actions involved in the employee's hiring.

### BP 4119.21/4219.21/4319.21 - Professional Standards

(BP revised)

Updated, reorganized policy clarifies expectations for appropriate employee conduct and expands list of prohibited conduct. Material addressing discipline adds the possibility of report to the Commission on Teacher Credentialing (CTC) or referral to law enforcement, and provides that an employee who has knowledge of misconduct but fails to report it also may be subject to discipline.

# BP 4119.41/4219.41/4319.41 - Employees with Infectious Disease

(BP revised)

Updated policy adds board philosophical statement, definitions of infectious and communicable infectious disease, legal requirement for job applicants to provide evidence that they are free of communicable disease prior to beginning employment, new material on disease prevention and on addressing communicable disease outbreaks in the district's emergency preparedness plan, and legal requirement to report communicable infectious disease to local health officer. Material re: reasonable accommodation revised for consistency with AR 4032 - Reasonable Accommodation.

### **BP/AR 4121 - Temporary/Substitute Personnel**

(BP added, AR revised)

New policy contains material formerly in AR that reflects requirements for board action. Policy also reflects (1) NEW COURT DECISION which clarifies that the number of temporary teachers cannot exceed the total number of employees on leave at any one time and that a district is not required to grant probationary status to an employee based solely on the fact that he/she served as a temporary employee for more than one year, (2) NEW COURT DECISION which held that an employee in a categorically funded program cannot be terminated through procedures applicable to temporary employees if the employee is being terminated before the end of the contract between the district and agency providing categorical funds, and (3) NEW COURT DECISION which determined that June 30 is the date by which temporary employees must be notified of the district's decision not to reelect them for the following school year. Section on "Salary and Benefits" updated to reflect NEW LAW (AB 501, 2011) which allows all public school employees, including substitute and temporary employees, to be represented by a bargaining unit. Updated regulation reflects NEW COURT DECISION which held that temporary athletic team coaches may be an exception to the classification notice requirement because their temporary status is expressly stated in law. Regulation also adds requirement to notify substitute employees about their eligibility for the retirement plan and reflects restrictions in the assignment of persons holding emergency substitute teaching permits.

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

(BP/AR revised)

Updated policy and regulation delete material related to temporary premium subsidies for COBRA/Cal-COBRA for "assistance eligible individuals" who were involuntarily terminated, as the date for program eligibility has now passed. Policy also reflects the federal Patient Protection and Affordable Care Act which prohibits employers from providing higher benefits to "highly compensated" individuals, as defined. Regulation also reflects legal requirement that an eligible retiree or surviving spouse may be denied the opportunity to enroll for benefits if he/she does not do so within 30 days of losing active coverage, and reflects change of age at which person ceases to be a "dependent child" for purposes of eligibility for COBRA/Cal-COBRA.

#### E 4319.21 - Professional Standards

(E revised)

Updated exhibit reproduces the entire California Professional Standards for Educational Leaders, as issued by the California School Leadership Academy at WestEd and the Association of California School Administrators.

### BP/AR 5117 - Interdistrict Attendance

(BP/AR revised)

Policy and regulation revised to distinguish the requirements of the interdistrict attendance agreement between the boards of two districts and the permit granted to an individual student. Updated policy also adds board role to approve the agreement and staff role to approve individual permits based on the terms of the agreement, and deletes criteria for denial of the permit that are repeated in AR. Section on "Limits on Student Transfer out of the District to a School District of Choice" revised to reflect NEW COURT DECISION which defines "for the duration of the program" for purposes of capping outbound transfers. Regulation updated to reflect NEW LAW (AB 1156, 2011) which requires that priority for interdistrict attendance agreements be given to students who are victims of an act of bullying, NEW LAW (AB 1085, 2011) which gives county boards in larger counties more time to resolve appeals, and legal requirement regarding provisional enrollment pending a decision of the two districts or during the term of appeal.

## AR 6146.2 - Certificate of Proficiency/High School Equivalency

(AR revised)

Updated regulation reflects NEW LAW (SB 461, 2011) which authorizes the issuance of a high school equivalency certificate to a student who completes a dropout recovery high school's instructional program and meets other specified criteria.

#### BP 6161 - Equipment, Books and Materials

(BP deleted)

Policy deleted due to redundancy with BP 6161.1 - Selection and Evaluation of Instructional Materials.

### **BP/AR 6178 - Career Technical Education**

(BP/AR revised)

MANDATED policy updated to list types of career technical education (CTE) programs that may be offered, reflect concepts of linked learning based on definition in NEW LAW (AB 790, 2011) which establishes a pilot project, reflect NEW LAW (AB 1330, 2011) which allows districts to establish CTE as an optional graduation requirement, and reflect NEW LAW (AB 1304) which authorizes the CTC to issue a "recognition of study in linked learning" following a teacher's completion of an approved course. Updated policy also includes a goal to focus on high-skill, high-wage, high-demand occupations; provides examples of work-based learning opportunities; expands language re: collaboration with postsecondary institutions; and reflects requirement to disaggregate program evaluation data. Updated regulation (1) revises section on Perkins basic grants to focus on program requirements rather than components of the district plan, (2) includes new section on linked learning reflecting concepts of AB 790, (3) revises section on partnership academies to add student eligibility criteria and revise program components in accordance with current law, (4) revises section on apprenticeship programs to change "pre-apprenticeship program" to "orientation to apprenticeships" for consistency with Department of Industrial Relations materials, and (5) adds new section on regional occupational centers/programs stating basic program goals and linking to BP 6178.2 - Regional Occupational Center/Program.

# **BB 9321 - Closed Session Purposes and Agendas**

(BB revised)

Updated bylaw reflects NEW ATTORNEY GENERAL OPINION which concludes that only three specified subjects related to real property negotiations may be considered in closed session. Bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 - Closed Session Actions and Reports, and (3) revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."

### VI. ADVANCE PLANNING

Info

- a. Future Meeting Dates:
  - i. Regular Meeting: Wednesday, October 17, 2012 @ 6:00 p.m. District Board Room - Room 503, located at Riles Middle School, 4747 PFE Road, Roseville, CA 95747
- b. Suggested Agenda Items:

### VII. ADJOURNMENT

Action