

# CENTER JOINT UNIFIED SCHOOL DISTRICT

[www.centerusd.k12.ca.us](http://www.centerusd.k12.ca.us)

*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, November 6, 2013 @ 5:30 p.m.

### AGENDA

- I. CALL TO ORDER & ROLL CALL - 5:30 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 A. First Reading: Board Policies/Regulations/Exhibits (4/13) Action

**BP 1325 - Advertising and Promotion**  
(BP revised)

Policy updated to clarify its applicability only to advertisements and promotions by nonschool groups, not to student speech. Policy also clarifies the distinction between a nonpublic forum and limited public forum, addresses advertisements on district-sponsored web sites and social media, and prohibits distribution of materials or advertisements that are lewd or proselytize or position the district on any side of a controversial issue.

*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.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **BP/AR/E 1330 - Use of School Facilities**

(BP/AR/E revised)

**MANDATED** policy reflects **NEW LAW (SB 1404, 2012)** which (1) modifies the definition of "direct costs" that may be charged for community use of school facilities or grounds and (2) includes the YMCA and religious organizations/churches that arrange for and supervise youth sports league activities among the nonprofit organizations, clubs, and associations that may be allowed the use of school facilities or grounds without charge. Policy also adds statements on joint use of school facilities and references BP 1325 - Advertising and Promotion for guidance on advertisements on school facilities. **MANDATED** regulation clarifies responsibilities of groups or organizations using school facilities, including a requirement to provide evidence of insurance against claims arising out the group's own negligence. Material moved from AR to BP re: authority to grant the use of school facilities on those days on which the school is closed. Updated Exhibit provides a sample form for requiring a group or organization to (1) indicate its agreement to expressly undertake to comply with district restrictions on the use of facilities and (2) indicate its recognition of its liability for any damage or injury caused by its negligence.

### **BP/AR 3460 - Financial Reports and Accountability**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 2662, 2012)** which gives the County Superintendent of Schools the authority, upon receipt of a district's interim fiscal report, to change the district's qualified certification to a negative certification. Policy also contains material formerly in AR which refers to Board actions regarding the statement of unaudited actual receipts and expenditures, Gann appropriations limit resolution, interim reports, and audit report. Regulation updated to reflect current law regarding restoration of the reserve threshold and to add material regarding submission of audit report pertaining to federal funds to the federal Office of Management and Budget.

### **BP/AR 3514.1 - Hazardous Substances**

(BP/AR revised)

Policy and regulation updated to reflect requirements for a chemical hygiene plan, as required by state regulations for any employer that maintains a workplace where there is laboratory use of hazardous chemicals, such as a district that offers science laboratory classes. Policy also adds Board philosophy statement and reflects the California Department of Education (CDE) *Science Safety Handbook for California Public Schools*. Regulation also adds definition of "hazardous substance," adds material related to the storage and disposal of chemicals, updates material related to the hazard communications program to more directly reflect law and new terminology, and adds information about CSBA's HazMat Communications service.

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

(E revised)

Exhibit updated to (1) reflect **NEW LAW (AB 1575, 2012)** requiring the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding automated external defibrillators; (3) reflect **NEW LAW (AB 1908, 2012)** revising the timing of notice of layoff and reemployment rights of classified personnel; (4) add notice of bus drivers regarding vehicle idling limitations; and (5) add notices related to the chemical hygiene plan and hazard communications program.

### **AR 4117.14/4317.14 - Postretirement Employment**

(AR revised)

Regulation revised to reflect **NEW LAW (AB 340, 2012)** which exempts a retired individual who has attained the normal retirement age from the prohibition against returning to postretirement employment for at least six months after retirement, provided that certain conditions are met. Regulation deletes postretirement earning limitation exemptions based on expired law, including those for retirees employed to provide specified instructional services or employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills. Regulation also deletes material describing exemptions for certain state-appointed trustees/administrators and County Superintendent of Schools appointments, since those assignments are not the responsibility of the district.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **BP 5030 - Student Wellness**

(BP revised)

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

### **BP 5145.3 - Nondiscrimination/Harassment**

(BP revised)

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

### **E 5145.6 - Parental Notifications**

(E revised)

Exhibit updated to (1) reflect **NEW LAW (AB 1575, 2012)** which requires the uniform complaint procedure notice to include information about complaints regarding student fees; (2) add notice regarding process for reclassifying English learners as fluent English proficient and the opportunity for parents/guardians to participate in that process; (3) consolidate and clarify notifications related to education of English learners; (4) add notice of failure to achieve annual measurable achievement objectives for English learners; and (5) add notice regarding student's assignment to a supervised suspension classroom.

### **AR 5148 - Child Care and Development**

(AR revised)

**MANDATED** regulation updated to add new section on "Disenrollment" reflecting **NEW LAW (SB 1016, 2012)** and **NEW CDE MANAGEMENT BULLETIN** which address the order of disenrolling families from subsidized child care and development programs when funding levels are reduced. Regulation also reflects a provision of SB 1016 which encourages "wraparound child care services" in conjunction with part-day preschool programs and specifies that the fees for these services are subject to the same fee schedule adopted by the Superintendent of Public Instruction for general child care services. Section on "Program Components" includes requirement to provide access to drinking water throughout the day and adds optional component promoting physical activity opportunities. Regulation also reflects **NEW LAW (AB 1991, 2012)** which revises the criteria for "public recreation programs" to be exempted from licensure.

### **BP/AR 6112 - School Day**

(BP/AR revised)

Policy updated to reflect option for districts receiving incentive funding to reduce instructional minutes, through the 2014-15 school year, without incurring financial penalties. Policy also adds material regarding the length of the school day for students with disabilities and the minimum amount of recess time in elementary schools, and moves material from AR to BP regarding requirements for board consultations and public hearings prior to establishing a block schedule. Regulation updated to clarify legal requirements pertaining to the minimum and maximum school day at various grade levels and to reflect the minimum number of courses in which high school seniors must be enrolled. Regulation also expands material on exceptions to the 240-minute minimum school day for grades 9-12 to include regional occupational centers, concurrent enrollment in colleges classes, evening high schools, and, as added by **NEW LAW (SB 1316, 2012)**, early and middle college high schools.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **BP/AR 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education**

(BP/AR revised)

**MANDATED** policy and regulation updated to reflect **NEW LAW (SB 121, 2012)** which prohibits the referral of a student with a disability to, or placement in, a nonpublic, nonsectarian school without the student's individualized education program team's agreement. Policy also adds material on out-of-state placements, applications for state waivers of legal requirements, and district verification of the school/agency's certification to provide special education and related services. Regulation also reorganized and updated to clarify requirements for the master contract with a nonpublic, nonsectarian school or agency, including the process of making changes to the master contract.

### **BP 6163.1 - Library Media Centers**

(BP revised)

Policy updated to reflect **NEW TITLE 5 REGULATIONS (Register 2013, No. 3)** which revise the authorized duties of credentialed teacher librarians and add a new special class authorization for departmentalized instruction in information literacy, digital literacy, and digital citizenship. Policy also deletes references to the use of Instructional Materials Funding Realignment Program funds for the purchase of classroom library materials, as that program was repealed by **NEW LAW (AB 1246, 2012)**. Policy references a State Board of Education document identifying alignment of library instruction standards with Common Core State Standards and expands material on program evaluation.

### **BP/AR 6164.6 - Identification and Education Under Section 504**

(BP/AR revised)

Policy updated to reflect **NEW GUIDANCE (January 2013)** from the U.S. Department of Education's Office for Civil Rights (OCR) clarifying districts' responsibility to provide opportunities for students with disabilities to participate in extracurricular athletic and other nonacademic programs or activities that constitute the overall educational program. Policy also adds new material re: compliance with procedural safeguards and required notifications and contains paragraph formerly in AR re: maintenance of a list of impartial hearing officers qualified to conduct Section 504 hearings. Regulation updated to reflect OCR guidance (January 2012) which clarifies the extent to which the Americans with Disabilities Act (ADA) affects the definitions of "disability" and "substantially limits" for Section 504 purposes. Regulation also adds the designation of a district employee to serve as the district's Section 504 Coordinator, updates definitions of key terms to ensure consistency with federal law (ADA Amendment Act of 2008), and streamlines the section on "Procedural Safeguards."

### **BB 9220 - Governing Board Elections**

(BB revised)

Bylaw updated to reflect **NEW LAW (AB 2410, 2012)** which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any of these crimes. Bylaw also adds section which addresses the methods of electing board members (i.e., by trustee area, at-large election, or at-large election but candidate resides in trustee area) and reflects the California Voting Rights Act which prohibits the use of the at-large voting method when its use prevents members of a protected class (voters of a minority race, color, or language group) from being elected to the board.

Governance

## **B. First Reading: Board Policies/Regulations/Exhibits (8/13)**

Action

### **BP/AR 0420 - School Plans/Site Councils**

(BP Revised)

Policy revised to delete material on school site block grants, which are no longer operational. Policy also adds language, reflecting California Department of Education guide, requiring the Board to communicate specific reasons to the school site council when it disapproves the Single Plan for Student Achievement.

(AR Revised)

Regulation revised to delete section on "School Site Block Grants" since these grants are no longer operational and to delete section on "School Plans for Categorical Block Grants" since requirements for the Pupil Retention Block Grant and School and Library Improvement Block Grant are now flexible under the Local Control Funding Formula pursuant to **NEW LAW (AB 97, 2013)**. Regulation also updated to reflect California Department of Education guide re: (1) selection of school site council members, including clarification of membership requirements in middle schools, and (2) the process of developing the Single Plan for Student Achievement, including data sources, consultation with advisory groups, and new budget planning and evaluation tools.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **BP 1431 - Waivers**

(BP Revised)

Policy updated to add steps for consideration of district waiver request prior to its submission to the State Board of Education (SBE), including public hearing and notice requirements and Board approval. Policy also reflects requirements for renewal of a general waiver and adds information on the California Department of Education's online waiver request system and its guidance to expedite waiver requests.

### **BP/AR 3311 - Bids**

(BP Revised)

Policy updated to reflect **NEW LAW** (AB 1565, 2012) which requires (1) prequalification of all general contractors and electrical, mechanical, and plumbing subcontractors for public projects of \$1 million or more awarded on or after January 1, 2014, if School Facilities Program funds or other future state school bonds are used, and (2) a uniform system of rating bidders based on completed questionnaires and model guidelines developed by the Department of Industrial Relations. Policy also reflects court decision highlighting the importance of disclosing all material information in bid specifications.

(AR Revised)

**MANDATED** regulation reorganized and updated to reflect **NEW LAW** (AB 1565, 2012) requiring prequalification of specified contractors, as noted above. Regulation also (1) adds step for notifying the bidder when a bid is disqualified as nonresponsive (i.e., does not conform to specifications) in order to give the bidder an opportunity to respond to the information; (2) reflects law allowing districts to facilitate the participation of women, minorities, disabled veterans and small businesses in contracts; and (3) reflects law allowing purchase of surplus property from the federal government without taking estimates or advertising for bids.

### **AR 3514 - Environmental Safety**

(AR Revised)

Regulation revised to add new sections on "Drinking Water" and "Mercury Exposure," add optional language re: installation of carbon monoxide detectors, expand item requesting staff and students to refrain from bringing or using fragrances and other common irritants, and reflect requirement to install filter in diesel buses to reduce emissions. Material on vehicle idling shortened since the detailed requirements are now addressed in AR 3542 - School Bus Drivers.

### **AR 3542 - School Bus Drivers**

(AR Revised)

**MANDATED** regulation expands "Qualifications" section to include requirement for bus driver initially applying for or renewing a commercial driver's license or school bus certificate to present evidence of having obtained a medical examination, and requirement for district to notify driver when his/her license, certificate, or medical certification is expiring. Regulation also adds identification of staff development needs, prohibitions against cell phone use and texting except under specified conditions, duty of driver to report on the condition of the bus and on his/her duty status (e.g., hours on duty), section on "Vehicle Idling" formerly in AR 3514 - Environmental Safety, and reports that must be maintained by the district pertaining to each driver.

### **BP/AR 4112.42/4212.42/4312.42 - Drug and Alcohol Testing of Bus Drivers**

(BP Revised)

**MANDATED** policy revised to more directly reflect prohibitions against drug and alcohol use and clarify that alcohol testing conducted under the federal testing program should follow federal law re: the blood alcohol concentration level that triggers specified consequences. Policy also adds language on confidentiality of test results, reports to the Department of Motor Vehicles, option to impose rehabilitation or return-to-duty program, and option to establish a voluntary self-identification program.

(AR Added)

New **MANDATED** regulation reflects requirements pertaining to pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Regulation also adds definitions of key terms and designation of "designated employer representative," and expands material on driver notifications formerly in BP.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **AR 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave**

(AR Revised)

**MANDATED** regulation recoded to merge former AR 4161.11/4361.11 - Industrial Accident/Illness Leave for certificated and administrative/supervisory employees and AR 4261.11 - Industrial Accident/Illness Leave for classified employees. Revised regulation clarifies that the district must set the maximum number of days allowed for such leave, which must be at least 60 working days in one fiscal year for the same industrial accident or illness, and provides options for the district re: the process of issuing salary payments that take into account the amount of the employee's workers' compensation check. Regulation also clarifies retention of status and benefits, notification when leave is exhausted, and placement on a reemployment list when the employee is not medically able to resume his/her duties after all available leave is exhausted.

### **AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave**

(AR Revised)

Regulation updated to reflect provisions related to pregnancy disability leave under state law and regulations, as amended by **NEW STATE REGULATIONS** (Register 2012, No. 48), including clarification of the calculation of the four months to which employees are entitled. Regulation also reflects **NEW COURT DECISION** finding unconstitutional the definition of marriage, for purposes of benefits under federal law, as a "union between a man and a woman." Section on "Military Family Leave Resulting from Qualifying Exigencies" updated to reflect **NEW FEDERAL REGULATIONS** (78 Fed. Reg. 25) which revise the definitions of "military member" and "covered active duty," increase allowable exigency leave for rest and recuperation from five to 15 days, allow use of such leave to care for a military member's parent under specified conditions, and expand the list of information which a district may require an employee to provide. Section on "Military Caregiver Leave" updated to reflect **NEW FEDERAL REGULATIONS** (78 Fed. Reg. 25) amending the conditions that must be present for a veteran's injury or illness to qualify as a "serious injury of illness" for purpose of this leave and expanding the definition of "authorized health care provider" qualified to certify the need for the leave.

### **AR 5111.2 - Nonresident Foreign Students**

(AR Revised)

Regulation updated to add requirements related to obtaining certification and recertification of district eligibility to enroll nonimmigrant foreign students, conditions under which nonresident foreign students may be admitted, and recordkeeping requirements.

### **BP/AR 5141.27 - Food Allergies/Special Dietary Needs**

(BP Revised)

Policy revised to reflect federal law which requires that a determination of disability, for purposes of Section 504 of the federal Rehabilitation Act, be made without regard to the ameliorative effects of mitigating measures, which may result in more students with severe food allergies needing to be evaluated under Section 504 to determine if they need accommodations or services. Policy also prohibits discrimination and bullying based on a food allergy and adds referral to appropriate complaint procedures.

(AR Revised)

Regulation revised to add material on the development of a health plan to manage the needs of a student with a food allergy, which may be a Section 504 accommodation plan if his/her allergy meets the definition of a "disability" without regard to the effects of mitigating measures. Regulation also adds measures to be taken when a student with a known food allergy will be off school grounds, such as on a field trip.

### **BP/AR 6117 - Year-Round Schedules**

(BP Revised)

Policy updated to delete material re: Concept 6 year-round programs since related law has sunsetted. Policy also incorporates material formerly in AR, expands issues that the Board may consider when establishing a year-round program, and adds language on program evaluation, parent/guardian appeals of their child's assignment to a track, and the public's right to request that a year-round schedule not be established by submitting a petition to the County Superintendent of Schools.

(AR Deleted)

Regulation deleted and incorporated into BP.

## **First Reading: Board Policies/Regulations/Exhibits (continued)**

### **BP/AR 6162.6 - Use of Copyrighted Materials**

(BP Revised)

Policy updated to reflect **NEW COURT DECISION** (Cambridge University Press v. Becker) reaffirming that federal criteria for determining "fair use" of copyrighted material must be weighed together on a case-by-case basis and do not exclude consideration of other factors. Policy also adds language defining categories of works that may be copyrighted, stating the need to get permission to use a copyrighted work unless the criteria for fair use or another exception are met, and prohibiting students from copying and distributing copyrighted works. Material re: observing license agreements for software moved to AR.

(AR Revised)

Regulation reorganized and expanded to reflect (1) the need to seek permission of copyright holder before widely distributing a copyrighted work through a web site or other method of communications accessible to the public; (2) the four factors specified in law that must be considered when determining whether an intended use of a copyrighted work meets criteria for "fair use," as clarified by **NEW COURT DECISION** (Cambridge University Press v. Becker); and (3) an exception in federal law pertaining to performance or display of copyrighted works (e.g., motion picture or other audiovisual work) in the course of face-to-face instruction. Regulation also revised to include information about identifying the holder of a copyright and to more directly reflect nonbinding guidelines for copying text, sheet or recorded music, and television programming as stated in U.S. Copyright Office guidance.

### **BB 9010 - Public Statements**

(BB Revised)

Bylaw updated to add concepts related to communicating the district's message in a manner that promotes public confidence in the Board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other Board communications when participating on social networking sites, blogs, or other electronic media.

### **BB/E 9250 - Remuneration, Reimbursement and Other Benefits**

(BB Revised)

Bylaw updated to delete material requiring the district to establish a minimum percentage of the Board meeting that must be attended in order for a Board member to receive compensation, add statement clarifying that student Board members do not receive compensation, and reflect legal requirement to announce any additional compensation received whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting. Section on "Reimbursement of Expenses" revised to give examples of authorized travel and to prohibit use of district credit card for personal expenses even if the Board member intends to reimburse the district. Material on health and welfare benefits updated to (1) reflect current law which provides that the age at which a person ceases to be a dependent child is age 26 years or higher as specified in the health plan and (2) clarify the circumstances under which the district may offer health and welfare benefits to former Board members.

(E Added)

New exhibit added to provide a sample Board resolution, as required by law in order to authorize compensation for a Board member who missed meeting(s) because he/she was performing other designated duties on behalf of the district at the time of the meeting, was ill or on jury duty, or had another hardship deemed acceptable by the Board.

## **VI. ADVANCE PLANNING**

Info

### **a. Future Meeting Dates:**

- i. Regular Meeting: Wednesday, November 20, 2013 @ 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