



Fountain Valley School District

BOARD OF TRUSTEES
REGULAR MEETING

A G E N D A

Board Room
10055 Slater Avenue
Fountain Valley, CA

October 18, 2012

- CALL TO ORDER: 6:30PM
- ROLL CALL
- APPROVAL OF AGENDA

M ____
2nd ____
V ____

- PUBLIC COMMENTS

Speakers may address the Board of Trustees on Closed Session Items. Please comply with procedures listed on the goldenrod form "For Persons Wishing to Address the Board of Trustees" and give the form to the Executive Assistant.

- CLOSED SESSION

The Board of Trustees will retire into Closed Session to address the following:

- Personnel Matters: *Government Code 54957 and 54957.1*
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Property Negotiations: *Government Code 54956.8*
Real property negotiator Steve McMahon will speak to the board about the negotiations concerning the properties at 9191 Pioneer and 10251 Yorktown Avenue, Huntington Beach, CA.
- Pupil Personnel: *Education Code 48912(b) and 48918(c)*
Student Expulsion or other disciplinary matters

- PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

1. 2012 STAR ENERGY AWARD RECOGNITION

Our mission is to promote a foundation for academic excellence, mastery of basic skills, responsible citizenship, and a desire by students to achieve their highest potential through a partnership with home and community.

Energy Conservation Manager Gregg Millett will present the 2012 Energy Star Award Recognition for Fountain Valley School District to the Board of Trustees.

PUBLIC HEARINGS

2. CERTIFICATION OF PROVISIONS OF STANDARDS-ALIGNED INSTRUCTIONAL MATERIALS

The Board of Trustees will conduct a public hearing for the purpose of receiving public comment on the certification of provisions of standards-aligned instructional materials for the Fountain Valley School District. Public input is welcome.

BOARD REPORTS AND COMMUNICATIONS

Board Members will make the following reports and communicate information to fellow Board Members and staff.

PUBLIC COMMENTS

Members of the community and staff are welcome to address the Board of Trustees on any item listed on the Agenda of Business or any other item of specific concern. Speakers are requested to limit their presentation to four minutes unless the time is waived by a majority of the Board Members present. If a member of the audience requests a response to their comments, the Board of Trustees may ask the Superintendent/Staff to respond to them personally or in writing after the meeting, or direct that additional information be provided to the Board on a future agenda.

*** BOARD MEMBERS WHO WISH TO DISCUSS WITH STAFF ANY ITEMS LISTED UNDER LEGISLATIVE SESSION SHOULD INFORM THE BOARD PRESIDENT AT THIS TIME.

LEGISLATIVE SESSION

3. RESOLUTION 2013-16: ESTABLISHING A CITIZEN'S BOND OVERSIGHT COMMITTEE AND APPROVING BYLAWS THEREFORE

M _____
2nd _____
V _____

The Board of Trustees adopted a resolution on June 28, 2012 placing a technology endowment initiative on the November 6, 2012 ballot. Under the provisions of the resolution and the expectation that Measure N will be approved by the voters, an Independent Citizens' Bond Oversight Committee shall be established and bylaws governing the operation of the Oversight Committee shall be approved by the Board of Trustees

Superintendent's Recommendation: It is recommended that the Board of Trustees adopt Resolution 2013-16 establishing a Citizen's Bond Oversight Committee, approving the bylaws therefore and authorizing the Superintendent or designee to sign any necessary documents.

4. REVISION TO BOARD POLICY 1312.3 UNIFORM COMPLAINT PROCEDURESM ____
2nd ____
V ____

Revisions to Board Policy 1312.3 has been updated to address prohibited discrimination and possible violations of state and federal laws governing educational programs and to ensure that the district's uniform complain policies and procedures are consistent with the state's complaint procedures specified in 5 CCR (California Code of Regulations) 4600-4687. The update reflects a review and revision of the district's written policies and procedures to ensure that required language, including the expansion of the protected categories to include genetic information, gender identity or expression, marital or parental status, or the perception of one or more of such characteristics; career technical and technical education and training programs and the development and adoption of the school safety plan; and required activities such as annual notification provided to students, employees and other school community members are included in the district's Uniform Complain Procedures.

Superintendent's Recommendation: It is recommended that revisions to Board Policy 1312.3 Uniform Complain Procedures be approved for first reading, with necessary changes as indicated by the Board of Trustees.

5. REVISION TO BOARD POLICY 4030: NONDISCRIMINATION IN EMPLOYMENTM ____
2nd ____
V ____

Revisions to Board Policy 4030 reflect the provisions of the California Fair Employment and Housing Act (FEHA) which prohibit employers from discrimination against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, sex, sexual orientation, gender, religion, physical or mental disability, medical condition, marital status, or age. Pursuant to Government Code 12940, as amended by SB 559 and AB 887, the list of protected categories has been expanded to include genetic information, gender identity and gender expression. Board Policy 4030 has been updated to reflect the additions of protected categories to include those listed above.

Superintendent's Recommendation: It is recommended that revisions to Board Policy 4030 Nondiscrimination in Employment be approved for first reading, with necessary changes as indicated by the Board of Trustees.

6. REVISION TO BOARD POLICY 4111/4211/4311: RECRUITMENT AND SELECTIONM ____
2nd ____
V ____

Revisions to Board Policy 4111/4211/4311 reflect updates to language regarding the district's current practice as it relates to recruitment and selection. The changes ensure that the district's hiring procedures are designed to eliminate, or at least minimize, the possibility of hiring unsuitable or undesirable individuals and to avoid liability for negligent hiring.

Superintendent's Recommendation: It is recommended that revisions to Board Policy 4111/4211/4311 Recruitment and Selection be approved for first reading, with necessary changes as indicated by the Board of Trustees.

7. BOARD POLICY 4112.6/4212.6/4312.6 PERSONNEL RECORDS

M ____
2nd ____
V ____

Revisions to Board Policy 4112.6/4212.6/4312.6 reflect updates to language regarding the district's current practice and any related provisions of negotiated agreements with bargaining units as they relate to personnel records.

Superintendent's Recommendation: It is recommended that revisions to Board Policy 4112.6/4212.6/4312.6 Personnel Records be approved for first reading, with necessary changes as indicated by the Board of Trustees.

8. BOARD POLICY 4119.1/4219.1/4319.1 CIVIL AND LEGAL RIGHTS

M ____
2nd ____
V ____

Revisions to Board Policy 4119.1/4219.1/4319.1 reflect updates to language regarding the district's current practice as they relate to Civil and Legal Rights of employees. Though employees have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. In addition, Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with state or federal laws or regulation. The changes in language reflect the addition of whistleblower protection when applicable. Lastly, 20 USC (United States Code) 6731-6738 limits the liability of teachers, principals and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting in the scope of their employment. The changes in language reflect the information above.

Superintendent's Recommendation: It is recommended that revisions to Board Policy 4119.1/4219.1/4319.1 Civil and Legal Rights be approved for first reading, with necessary changes as indicated by the Board of Trustees.

9. CONSENT CALENDAR/ROUTINE ITEMS OF BUSINESS

M ____
2nd ____
V ____

All items listed under the Consent Calendar and Routine Items of Business are considered by the Board of Trustees to be routine and will be enacted by the Board in one action. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

Superintendent's Recommendation: The Board of Trustees approves all items listed under the Consent Calendar and Routine Items of Business in one action.

Routine Items of Business

- 9-A.** Board Meeting Minutes from September 27th board meeting
- 9-B.** Personnel Items (Employment Functions, Workshops/Conferences, and Consultants)
- 9-C.** Donations
- 9-D.** Warrants
- 9-E.** Purchase Order Listing
- 9-F.** Budget Adjustments
- 9-G.** Renewal of Annual Membership in the Fountain Valley Rotary Club in the amount of \$600

Consent Items

- 9-H. RESOLUTION 2013-15: CERIFICATION OF PROVISION OF STANDARDS-ALIGNED INSTRUCTIONAL MATERIALS**

Superintendent's Comments: It is recommended that the Board of Trustees shall hereby certify that each pupil in the Fountain Valley School District shall be provided with a standards-aligned textbook or basic instructional materials in the curricular areas of mathematics, science, history-social science, English/language arts and visual and performing arts.

- 9-I. STUDENT TRANSPORTATION SERVICES AGREEMENT BETWEEN ORANGE COUNTY SCHOOL DISTRICTS**

Superintendent's Comments: It is recommended that the Board of Trustees approve the "Agreement For Student Transportation Services Between The Orange County School Districts" and authorize the Superintendent or his designee to sign all documents.

- 9-J. REAPPOINTMENT OF WILLIAM MULLIN AS BOARD APPOINTEE TO THE PERSONNEL COMMISSION**

Superintendent's Comments: It is recommended that the Board of Trustees approve William Mullin's reappointment to the Personnel Commission as Board Appointee for a three-year term, December 1, 2012 through November 30, 2015.

- 9-K. WILLIAMS QUARTERLY REPORT FOR FIRST QUARTER 2011-12**

Superintendent's Comments: It is recommended that the Board of Trustees receive the Williams Quarterly Report for the first quarter of the 2011-12 year and approve its submittal to the Orange County Department of Education.

- 9-L. ANNUAL ORGANIZATIONAL MEETING**

Superintendent's Comments: It is recommended that the Board of Trustees select Thursday, December 13, 2012 as the date of the annual organizational meeting, in accordance with the provisions of Education Code Sections 35143 and 72000. The meeting shall begin at 7pm.

9-M. ACCEPTANCE OF 2012-13 MEMO OF UNDERSTANDING BETWEEN THE ORANGE COUNTY DEPARTMENT OF EDUCATION AND THE FOUNTAIN VALLEY SCHOOL DISTRICT FOR THE BEGINNING TEACHER SUPPORT AND ASSESSMENT SYSTEM (BTSA) INDUCTION PROGRAM CONSORTIUM

Superintendent's Comments: It is recommended that the Board of Trustees approve the 2012-2013 Memorandum of Understanding between the Orange County Department of Education and Fountain Valley School District for the Orange County Department of Education Beginning Teachers Support and Assessment (BTSA) / Induction Program Consortium to continue the implementation of the BTSA program.

9-N. BOARD POLICY 1250 VISITORS/OUTSIDERS (SECOND READING AND ADOPTION)

Superintendent's Comments: It is recommended that Board Policy 1250 Visitors/Outsiders be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

9-O. BOARD POLICY 3515.2 DISRUPTIONS (SECOND READING AND ADOPTION)

Superintendent's Comments: It is recommended that Board Policy 3515.2 Disruptions be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

9-P. BOARD POLICY 6020: PARENT INVOLVEMENT (SECOND READING AND ADOPTION)

Superintendent's Comments: It is recommended that Board Policy 6020: Parent Involvement be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

9-Q. BOARD POLICY 6145: EXTRACURRICULAR AND COCURRICULAR (SECOND READING AND ADOPTION)

Superintendent's Comments: It is recommended that Board Policy 6145: Extracurricular and Cocurricular be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

9-R. BOARD POLICY 6174: EDUCATION FOR ENGLISH LEARNERS (SECOND READING AND ADOPTION)

Superintendent's Comments: It is recommended that Board Policy 6174: Education for English Learners be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

**9-S. BOARD BYLAW 9321: CLOSED SESSION PURPOSES AND AGENDAS
(SECOND READING AND ADOPTION)**

Superintendent's Comments: It is recommended that Board Bylaw 9321: Closed Session Purposes and Agendas be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

**9-T. RESOLUTION 2013-09: AUTHORIZATION FOR TEACHING
CREDENTIALS FOR 2012-13 SCHOOL YEAR**

Superintendent's Comments: It is recommended that the Board of Trustees adopt Resolution 2013-09 to approve the teaching assignments listed.

**9-U. GRANT AGREEMENT #BD1323226 BY AND BETWEEN THE ORANGE
COUNTY COMMUNITY FOUNDATION AND THE FOUNTAIN VALLEY
SCHOOL DISTRICT FOR VISUAL AND PERFORMING ARTS PROGRAM
(VAPA) COORDINATION**

Superintendent's Comments: It is recommended that the Board of Trustees approve grant agreement number BD1323226 between the Orange County Community Foundation and the Fountain Valley School District.

SUPERINTENDENT'S COMMENTS/NEW ITEMS OF BUSINESS

The Board President will receive any announcements concerning new items of business from board members or the superintendent.

- CLOSED SESSION
- APPROVAL TO ADJOURN

**The next regular meeting of the Fountain Valley School District
Board of Trustees is on Thursday, November 15, 2012 at 7:00pm.**

A copy of the Board Meeting agenda is posted on the District's web site (www.fvsd.k12.ca.us). Materials related to this agenda submitted to the Board of Trustees less than 72 hours prior to the meeting are available for public inspection by contacting the Superintendent's Office at 10055 Slater Avenue, Fountain Valley, CA 92708 or call 714.843.3255 during normal business hours.

Board meeting proceedings are tape recorded.

Reasonable Accommodation for any Individual with a Disability: Any individual with a disability who requires reasonable accommodation to participate in a board meeting may request assistance by contacting the Superintendent's office: 10055 Slater Avenue, Fountain Valley, CA 92708 or call (714) 843-3255 or FAX (714) 841-0356.

Board Meeting of October 18, 2012

SO 2012-13/B13-10
Fountain Valley School District
Superintendent's Office

M E M O R A N D U M

TO: Board of Trustees
FROM: Marc Ecker, Superintendent
SUBJECT: 2012 STAR Energy Award Recognition
DATE: October 12, 2012

Energy Conservation Manager Gregg Millett will present the 2012 Energy Star Award Recognition for Fountain Valley School District to the Board of Trustees.

NOTICE OF PUBLIC HEARING
FOUNTAIN VALLEY SCHOOL DISTRICT
CERTIFICATION OF PROVISIONS OF
STANDARDS-ALIGNED INSTRUCTIONAL MATERIALS

Notice is hereby given that the Board of Trustees of the Fountain Valley School District, at its meeting to be held on Thursday, October 18, 2012 at 7:00 p.m., in the District Board Room, located at 10055 Slater Avenue, Fountain Valley, California, will conduct a Public Hearing for the purpose of receiving public comment on the certification of provisions of standards-aligned instructional materials for the Fountain Valley School District.

Public input is welcome.

FOUNTAIN VALLEY SCHOOL DISTRICT

Board meeting of October 18, 2012

SO 2011-12/B13-14
Fountain Valley School District
Superintendent's Office

M E M O R A N D U M

TO: Board of Trustees
FROM: Marc Ecker, Superintendent
SUBJECT: **Resolution 2013-16: Establishing a Citizen's Bond Oversight
Committee and Approving Bylaws Therefore**
DATE: October 11, 2012

Background:

The Board of Trustees adopted a resolution on June 28, 2012 placing a technology endowment initiative on the November 6, 2012 ballot. Under the provisions of the resolution and the expectation that Measure N will be approved by the voters, an Independent Citizens' Bond Oversight Committee shall be established and bylaws governing the operation of the Oversight Committee shall be approved by the Board of Trustees

Attached is a copy of the proposed bylaws and the application to be distributed in the community for those interested in being selected for the oversight committee.

Recommendation:

It is recommended that the Board of Trustees adopt Resolution 2013-16 establishing an Independent Citizens' Bond Oversight Committee, approving the bylaws therefore and authorizing the Superintendent or designee to sign any necessary documents.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE FOUNTAIN VALLEY SCHOOL DISTRICT ESTABLISHING A CITIZENS' BOND OVERSIGHT COMMITTEE AND APPROVING BYLAWS THEREFORE

DOCSSF/89212v1/024670-0004

CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Section 1. Committee Established. The Fountain Valley School District (the "District") is conducting an election on November 6, 2012 (the "Bond Election") to obtain authorization from the District's voters to issue up to \$23,500,000 aggregate principal amount of the District's general obligation bonds ("Measure N"). The election is being conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Fountain Valley School District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have legal capacity independent from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure N. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the following duties:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the consensus view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Measure N; and (b) no bond proceeds were used for teacher or administrative salaries or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (a) Approval of contracts,
- (b) Approval of change orders,
- (c) Expenditures of bond funds,
- (d) Handling of all legal matters,
- (e) Approval of project plans and schedules,
- (f) Approval of all deferred maintenance plans, and
- (g) Approval of the sale of bonds.

3.5 Measure N Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
- (b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.
- (e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (f) The approval of an annual budget for the Committee that is sufficient to carry out its activities.
- (g) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

(b) Inspect school facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Assistant Superintendent, Business Services.

(c) Review copies of deferred maintenance plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Section 5. Membership.

5.1 Number.

The Committee shall consist of at least seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) member shall be the parent or guardian of a child enrolled in the District.
- One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the P.T.A. or a school site council.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age.

(b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. Members of the Committee are not subject to Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1

of the Government Code and the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and are not required to complete the Form 700. However, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District will advertise in the local newspapers, on its website and in other customary forums as well as solicit appropriate local groups for applications; (b) the Superintendent will review the applications; and (c) the Superintendent will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days of the date of occurrence of a vacancy. Members whose terms have expired may continue to serve on the Committee until their successor has been appointed.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) the Committee shall not establish sub-committees for any purpose; and (d) the Committee shall have the right to request and receive copies of any public records relating to Measure N funded projects.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year, but no more frequently than quarterly.

6.2 Location. All meetings shall be held within the Fountain Valley School District, located in Orange County, California.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business.

Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(b) provision of a meeting room, including any necessary audio/visual equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent shall appoint the initial Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board of the Trustees of the District.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all Measure N monies.

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members in carrying out their responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds, or (2) any construction project which will benefit the Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Fountain Valley School District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.

**FOUNTAIN VALLEY SCHOOL DISTRICT
APPLICATION FOR CITIZENS' OVERSIGHT COMMITTEE**

The Board of Trustees of the Fountain Valley School District is seeking qualified, interested individuals to serve on a committee of community leaders which will serve as the independent Citizens' Oversight Committee ("COC") for the implementation of the District's Measure N school facilities bond program.

Proposition 39 Bond Election

On November 6, 2012, voters residing within the Fountain Valley School District will vote on Measure N. Measure N is a \$23,500,000 bond measure that authorizes funding for technology upgrades and other projects to the District's schools.

Establishment of a Citizens' Oversight Committee

After a bond authorized under Proposition 39 is passed, state law requires that the Fountain Valley School District Board of Trustees appoint a Citizens' Oversight Committee to work with the District.

Committee Responsibilities

In accordance with Education Code Section 15278(b), the Citizens' Oversight Committee shall:

- Inform the public concerning the District's expenditure of Measure N bond proceeds;
- Review expenditure reports produced by the District to ensure that Measure N bond proceeds were expended only for the purposes set forth in Measure N; and
- Present to the Board of Trustees in public session, an annual written report outlining their activities and conclusions regarding the expenditure of Measure N bond proceeds.

The Bylaws which govern the Citizens' Oversight Committee are attached to this Application.

Appointment of Committee Members

All appointments will be made by the Board of Trustees from applications submitted to the District.

Time Commitment and Term

Initial appointments will be staggered, such that some of the initial appointees will be appointed to serve one full two-year term. The other initial appointments will serve a one-year term, but will be eligible for reappointment by the Board of Trustees for a second two-year term.

Would You be Interested in Serving?

If you wish to serve on this important committee, please review the committee bylaws for more information about the committee's role and responsibilities and complete the attached application. Completed applications should be sent or faxed to the Superintendent's Office of the Fountain Valley School District by 4:30 PM on _____, 2012.

**Fountain Valley School District
10055 Slater Avenue, Fountain Valley, CA 92708
Telephone: (714) 843-3200 FAX: (714) 841-0356**

**FOUNTAIN VALLEY SCHOOL DISTRICT
APPLICATION FOR CITIZENS' OVERSIGHT COMMITTEE**

(Please Print or Type)

Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

FAX #: _____ E-Mail: _____

Why do you want to serve on the Measure __ Citizens' Oversight Committee?

Do you have any special area of expertise or experience that you think would be helpful to the committee?

If you have served on other school district, city or community committees please list and briefly describe your role:

I would be able to represent the following constituencies in the District: (check all that apply)

- ☐ **Business Representative** - Active in a business organization representing local business
Organization: _____
- ☐ **Senior Citizen Group Representative** - Active member in a senior citizens' organization.
Organization: _____
- ☐ **Taxpayer Organization Member** - Active in a bona fide taxpayers' association.
Organization: _____
- ☐ **Parent or Guardian of Child Enrolled in District.**
Child's Name and School: _____
Child's Name and School: _____
- ☐ **Parent /Guardian of Child Enrolled in District & Active in a Parent-Teacher Organization**
Child's Name and School: _____
Child's Name and School: _____
Organization: _____
- ☐ **At-Large Community Member** – Resident of the Fountain Valley School District.

Please note any additional information you feel should be considered as part of your application:

1. Are you an employee of the District?*
2. Are you a vendor, contractor, or consultant to the school district?*
3. Do you have conflicts that would preclude your attending quarterly meetings?
4. Do you know of any reason, such as a potential conflict of interest, which would adversely affect your ability to serve on the Citizens' Oversight Committee?*
5. Are you willing to comply with the ethics code included in the bylaws?

YES	NO

(*Employees, vendors, contractors, and consultants of the Fountain Valley School District are prohibited by law from being members of the Citizens' Oversight Committee. Employment which could result in becoming a contractor or subcontractor to the district would also be a potential conflict.)

Signature of Applicant

All answers and statements in this document are true and complete to the best of my knowledge.

Signature _____ Date _____.

Completed applications must be received in the
Superintendent's Office of the Fountain Valley School District,
10055 Slater Avenue, Fountain Valley, CA 92708 or faxed to (714) 841-0356
no later than at 4:30 pm, _____, 2012. If you have any questions, please
call the Fountain Valley School District at (714) 843-3200.

It is the policy of the Fountain Valley School District not to unlawfully discriminate on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, color, religion, marital status, age or mental or physical disability in the educational programs or activities which it operates.



FOUNTAIN VALLEY SCHOOL DISTRICT
Personnel

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: ***REVISION TO BOARD POLICY 1312.3 Uniform Complaint Procedures (FIRST READING)***
DATE: October 11, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Revisions to Board Policy 1312.3 has been updated to address prohibited discrimination and possible violations of state and federal laws governing educational programs and to ensure that the district's uniform complain policies and procedures are consistent with the state's complaint procedures specified in 5 CCR (California Code of Regulations) 4600-4687. The update reflects a review and revision of the district's written policies and procedures to ensure that required language, including the expansion of the protected categories to include genetic information, gender identity or expression, marital or parental status, or the perception of one or more of such characteristics; career technical and technical education and training programs and the development and adoption of the school safety plan; and required activities such as annual notification provided to students, employees and other school community members are included in the district's Uniform Complain Procedures.

Text to be deleted is indicated by strike-through and new language has been added in bold.

RECOMMENDATION

It is recommended that revisions to Board Policy 1312.3 Uniform Complain Procedures be approved for first reading, with necessary changes as indicated by the Board of Trustees.

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination **in district programs and activities** based on religion, age, sex, sexual orientation, gender, **gender identity or expression, genetic information, marital or parental status**, ethnic group identification, **actual** race, ancestry, national origin, color, or physical or mental disability; **the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.** ~~in any program or activity that receives or benefits from state financial assistance.~~ The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, ~~vocational education,~~ **career technical and technical education and training programs**, child care and development programs, child nutrition programs ~~and~~ special education programs **and the development and adoption of the school safety plan.**

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

(cf. 0420.1 - School-Based Coordinated Programs)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 0450 – Comprehensive Safety Plan)

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 3553 - Free and Reduced -Price Meals)

(cf. 3555 – Nutrition Program Compliance)

(cf. 5148 – Child Care and Development)

(cf. 6159 – Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6174 – Migrant Education Program)

(cf. 6178 – Career Technical Education)

(cf. 6178.1 – Work-Based Learning)

(cf. 6178.2 – Regional Occupational Center/Program)

(cf. 6200 – Adult Education)

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures to the complainant.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

UNIFORM COMPLAINT PROCEDURES (continued)

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits retaliation in any form for participation in complaint procedures the reporting of instances of discrimination, or participation in complaint procedures including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

Legal Reference:

EDUCATION CODE

[200-262.3](#) *Prohibition of discrimination*
[8200-8498](#) *Child care and development programs*
[8500-8538](#) *Adult basic education*
[18100-18179](#) *School libraries*
[48431.6](#) *Academic progress and counseling review program*
[48985](#) *Notices in language other than English*
[49060-49079](#) *Student records*
[49490-49590](#) *Child nutrition programs*
[52000-52049.1](#) *School improvement programs*
[52160-52178](#) *Bilingual education programs*
[52300-52499.6](#) *Vocational education*
[52500-52616.24](#) *Adult schools*
[52800-52870](#) *School-based coordinated programs*
[54000-54041](#) *Economic impact aid programs*
[54100-54145](#) *Miller-Unruh Basic Reading Act*
[54400-54425](#) *Compensatory education programs*
[54440-54445](#) *Migrant education*
[54460-54529](#) *Compensatory education programs*
[56000-56885](#) *Special education programs*
[59000-59300](#) *Special schools and centers*
[62000-62008](#) *Evaluation and sunseting of programs*
[64000-64001](#) *Consolidated application process*

UNIFORM COMPLAINT PROCEDURES (continued)

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*

4600-4671 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

PENAL CODE

422.6 *Interference with constitutional right or privilege*

Management Resources:

WEB SITES

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

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

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Board of Trustees designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Fountain Valley School District
Attn: ~~Deputy~~ **Assistant** Superintendent, **Personnel**
10055 Slater Avenue
Fountain Valley, CA 92708
714-843-3255

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

(cf. 0420 – School Plans/Site Councils)
(cf. 1220 – Citizen Advisory Committees)
(cf. 4112.9/4312.9 – Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs **or has committed unlawful discrimination**. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

The district shall use its uniform complaint procedures when addressing all complaints regarding gender equity.

UNIFORM COMPLAINT PROCEDURES (continued)

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or **six months from the date** when the complainant first obtained knowledge of the facts of the alleged discrimination. **However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days.** (Title 5, Section 4630)

The complaint shall be presented to the compliance officer. The Superintendent or designee shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (Title 5, Section 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (Title 5, Section 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (Title 5, Section 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (Title 5, Section 4631)

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint. (Title 5, Section 4631)

Step 4: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. (Title 5, Section 4631)

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. (5 CCR [4631](#))

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

(cf. 5145.6 - Parental Notifications)

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (Title 5, Section 4631)
2. The rationale for the above disposition (Title 5, Section 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

3. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (Title 5, Section 4631, 4652)
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR [4631](#); Education Code [262.3](#))
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee **or student** is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee **or student** was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (Title 5, Section 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (Title 5, Section 4633)

1. **A copy of the original complaint**
2. **A copy of the decision**
3. **A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision**
4. **A copy of the investigation file including, but not limited to, all notes, interviews and documents submitted by the parties and gathered by the investigator**
5. **A report of any action taken to resolve the complaint**

UNIFORM COMPLAINT PROCEDURES (continued)

6. A copy of the district's uniform complaint procedures

7. Other relevant information requested by CDE

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR [4650](#) exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and **to discrimination complaints based on federal law, and** is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR [4622](#).

Regulation

approved: ~~July 29, 2003~~ **November 15, 2012**

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

Fountain Valley, California

**Parent Notification of Rights
Uniform Complaint Procedures**

The Board of Trustees recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination **in district programs and activities based on religion, age, sex, sexual orientation, gender, gender identity or expression, genetic information, marital or parental status, ethnic group identification, actual race, ancestry, national origin, color, or physical or mental disability; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.** ~~based on ethnic group identification, religion, age, gender, color or physical or mental disability in any program or activity that receives or benefits from state financial assistance.~~ The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, ~~vocational education~~ **career technical and technical education and training programs**, child care and development programs, child nutrition programs, ~~and~~ special education programs **and the development and adoption of the school safety plan.**

Complaints should be addressed to;

Deputy Assistant Superintendent, Personnel
10055 Slater Avenue
Fountain Valley, CA 92708
(714) 843-3255

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or **six months from the date** when the complainant first obtained knowledge of the facts of the alleged discrimination. Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Investigation of Complaint

The compliance officer shall hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the District's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in the section below.

Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision. The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR [4622](#).



FOUNTAIN VALLEY SCHOOL DISTRICT
Personnel

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: ***REVISION TO BOARD POLICY 4030 Nondiscrimination in Employment (FIRST READING)***
DATE: October 11, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Revisions to Board Policy 4030 reflect the provisions of the California Fair Employment and Housing Act (FEHA) which prohibit employers from discrimination against employees and job applicants on the basis of actual or perceived race, color, ancestry, national origin, sex, sexual orientation, gender, religion, physical or mental disability, medical condition, marital status, or age. Pursuant to Government Code 12940, as amended by SB 559 and AB 887, the list of protected categories has been expanded to include genetic information, gender identity and gender expression. Board Policy 4030 has been updated to reflect the additions of protected categories to include those listed above.

Text to be deleted is indicated by strike-through and new language has been added in bold.

RECOMMENDATION

It is recommended that revisions to Board Policy 4030 Nondiscrimination in Employment be approved for first reading, with necessary changes as indicated by the Board of Trustees.

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board **desires to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Governing Board** prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, **ancestry**, age, marital status, pregnancy, physical or mental disability, medical condition, **genetic information**, veteran status, gender, **gender identity, gender expression**, sex or sexual orientation at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

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

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

(cf. [4032](#) - Reasonable Accommodation)

(cf. 4033 – Lactation Accommodation)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4119.41/4219.41/4319.41](#) - Employees with Infectious Disease)

(cf. 4154/4254/4354 – Health and Welfare Benefits)**(cf. 5145.7 – Sexual Harassment)**

Any district employee who engages or participates in unlawful discrimination, **harassment or retaliation**, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. [4117.4](#) - Dismissal)

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR [100.6](#), [106.9](#))

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR [4960](#))

NONDISCRIMINATION IN EMPLOYMENT (continued)

In the Fountain Valley School District, the following position is the Coordinator for Nondiscrimination in Employment:

Assistant Superintendent of Personnel
c/o Fountain Valley School District
10055 Slater Avenue
Fountain Valley, CA 92708
(714) 843-3225

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed or in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigation and resolving any such complaint.

Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code [12960](#). (Government Code [12960](#))
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC [2000e-5](#))

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

CIVIL CODE

[51.7](#) *Freedom from violence or intimidation*

GOVERNMENT CODE

[11135](#) *Unlawful discrimination*

[12900-12996](#) *Fair Employment and Housing Act*

PENAL CODE

[422.56](#) *Definitions, hate crimes*

CODE OF REGULATIONS, TITLE 2

[7287.6](#) *Terms, conditions and privileges of employment*

CODE OF REGULATIONS, TITLE 5

[4900-4965](#) *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

UNITED STATES CODE, TITLE 20

[1681-1688](#) *Discrimination based on sex or blindness, Title IX*

UNITED STATES CODE, TITLE 29

[794](#) *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

[2000d-2000d-7](#) *Title VI, Civil Rights Act of 1964*

[2000e-2000e-17](#) *Title VII, Civil Rights Act of 1964 as amended*

[2000h-2-2000h-6](#) *Title IX, 1972 Education Act Amendments*

[12101-12213](#) *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.101-35.190](#) *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

[100.6](#) *Compliance information*

[104.8](#) *Notice*

[106.8](#) *Designation of responsible employee and adoption of grievance procedures*

[106.9](#) *Dissemination of policy*

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

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

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy

adopted: ~~December 7, 2006~~ **November 15, 2012**

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

Fountain Valley, California

NONDISCRIMINATION IN EMPLOYMENT

Discriminatory Harassment

Unlawful harassment **or discrimination** based on a person's race, gender or other attribute listed in the district's nondiscrimination policy includes, but is not limited to, the following:

1. Slurs, epithets, threats or verbal abuse.
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures.
3. Unwelcome jokes, stories or teasing.
4. Any other verbal, visual or physical conduct which adversely affects the individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive working environment.

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way in which it affects him/her.

Any employee or applicant for employment who feels that he/she is being unlawfully harassed should immediately contact his/her supervisor or the Superintendent or designee in order to obtain procedures for reporting a complaint. Such complaints can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisor who receives a harassment **or discrimination** complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated. Discrimination complaint procedures prohibit retaliatory behavior against any complainant or any participant in the complaint process.

(cf. 4031 - Complaints Concerning Discrimination in Employment)



FOUNTAIN VALLEY SCHOOL DISTRICT
Personnel

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: ***REVISION TO BOARD POLICY 4111/4211/4311 Recruitment and Selection (FIRST READING)***
DATE: October 11, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Revisions to Board Policy 4111 reflect updates to language regarding the district's current practice as it relates to recruitment and selection. The changes ensure that the district's hiring procedures are designed to eliminate, or at least minimize, the possibility of hiring unsuitable or undesirable individuals and to avoid liability for negligent hiring.

Text to be deleted is indicated by strike-through and new language has been added in bold.

RECOMMENDATION

It is recommended that revisions to Board Policy 4111/4211/4311 Recruitment and Selection be approved for first reading, with necessary changes as indicated by the Board of Trustees.

RECRUITMENT AND SELECTION

The Board of Trustees ~~desires to employ the most highly qualified person available for each open position~~ is **committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficient running of district operations.**

(cf. 0100 – Goals for the School District)

(cf. 4000 – Concepts and Roles)

(cf. 4100 – Certificated Personnel)

(cf. 4200 – Classified Personnel)

(cf. 4300 – Administrative and Supervisory Personnel)

(cf. 9000 – Role of the Board)

The Superintendent or designee shall develop fair, open and transparent recruitment and selection processes and procedures which ensure that employees are selected based on demonstrated knowledge, skills and competence and not on any bias, personal preference, or unlawful discrimination.

The Superintendent or designee shall develop recruitment and selection procedures which include:

1. Assessment of the district's needs for specific skills, knowledge and abilities
2. Development of job descriptions which accurately describe all essential and marginal functions and duties of each position
(cf. 4119.3/4219.3/4319.3 – Duties of Personnel)
3. Dissemination of vacancy announcements to ensure a wide range of candidates
4. Screening procedures which identify the best possible candidates for interviews
5. Interview procedures which determine the best qualified candidate for recommendation to the Board

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

(cf. 4119.3/4219.3/4319.3 – Duties of Personnel)

(cf. 4030 – Nondiscrimination in Employment)

(cf. 4031 – Complaints Concerning Discrimination in Employment)

(cf. 4032 – Reasonable Accommodation)

(cf. 4111.2/4211.2/4311.2 – Legal Status Requirement)

The Superintendent or designee shall recommend only those candidates who meet all qualifications established by law and the Board for the position. Nominations for employment shall be based upon screening devices, interviews, observations and recommendations from previous employers **as necessary to identify the best possible candidate for a position.**

RECRUITMENT AND SELECTION (continued)

No inquiry shall be made with regard to ~~the age, gender, race, color, religion, national origin, medical condition, disability or sexual orientation~~ of a person seeking employment **any category of discrimination prohibited by state or federal law**. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

District employment practices shall not discriminate against legal noncitizen residents. Inquiries to assure employment eligibility shall be made in accordance with Board policy and administrative regulation.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee, who shall present one candidate **who meets all qualifications established by the law**, to the Board for approval.

(cf. 4112 – Appointment and Conditions of Employment)

(cf. 4112.2 – Certification)

(cf. 4112.24 – Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4212 – Appointment and Conditions of Employment)

(cf. 4312.1 – Contracts)

~~Legal Reference: (see next page)~~

Legal Reference:

EDUCATION CODE

~~200-261~~ **262.4** Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirement

44259 Teaching credential; exception; designated subjects; minimum requirements

44375 Incentive grants for recruiting teachers for low-performing schools

44740 – 44741 Personnel management assistance teams

44750 Teacher recruitment resource center

44830 - **44831** Employment of certificated persons

~~44830.5 Assignment of certificated employees to district; ethnic ratio~~

44858 Age or marital status in employment positions requiring certification qualifications

44859 Prohibition against certain rules and regulations re residency

45103 – 45139 Employment (classified employees)

49406 Examination for tuberculosis

52051 Academic Performance Index

CODE OF REGULATIONS, TITLE 5

~~30-31 Affirmative action employment programs~~

CODE OF REGULATIONS, TITLE 28

35.101 – 35.190 American Disabilities Act

GOVERNMENT CODE

815.2 Liability of public entities and public employees

12900 – 12996 ~~Unlawful employment practices~~ **Fair Employment and Housing Act, including:**

12940-12956 *Discrimination prohibited; unlawful practices*

UNITED STATES CODE, TITLE 8

~~1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990~~

1324(a) Unlawful Employment of aliens

1324(b) Unfair immigration related practices

UNITED STATES CODE, TITLE 42

12101 et seq. *Americans With Disabilities Act*

2000d & 2000e et seq. *Title VI and Title VII, Civil Rights Act of 1964 as amended*

2000h-2 et seq. *Title IX, 1972 Education Act Amendments*

12101 – 12213 American with Disabilities Act

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

MANAGEMENT RESOURCES

WEB SITES:

California Department of Fair Employment and Housing : <http://www.dfeh.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <http://www.calteach.org>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy

adopted: ~~February 10, 1998~~ **November 15, 2012**

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

Fountain Valley, California



FOUNTAIN VALLEY SCHOOL DISTRICT
Personnel

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: ***REVISION TO BOARD POLICY 4112.6/4212.6/4312.6 Personnel
Records (FIRST READING)***
DATE: October 11, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Revisions to Board Policy 4112.6/4212.6/4312.6 reflect updates to language regarding the district's current practice and any related provisions of negotiated agreements with bargaining units as they relate to personnel records.

Text to be deleted is indicated by strike-through and new language has been added in bold.

RECOMMENDATION

It is recommended that revisions to Board Policy 4112.6/4212.6/4312.6 Personnel Records be approved for first reading, with necessary changes as indicated by the Board of Trustees.

All Personnel

BP 4112.6

4212.6

PERSONNEL RECORDS

4312.6

The Superintendent or designee shall maintain personnel files for all current employees.

A **personnel** file shall be kept for all former employees, including such information as shall seem appropriate to the administration.

The Superintendent or designee shall determine the types of information to be included in personnel files, including, but not limited to, records required by law, and shall process all material to be placed in such files.

~~Personnel records shall be kept for all current employees and shall include information usually expected in good personnel administration.~~

All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent and those authorized by the Superintendent. For legitimate reasons, the Board of Trustees also has access to personnel records and may delegate a specific member to review any file.

Ratings, reports or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, non-credentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. All other written materials filed in personnel records shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of an administrator.

Legal Reference:

EDUCATION CODE

44031 *Personnel file contents and inspection*

44663 *Performance appraisals and related materials*

ATTORNEY GENERAL'S OFFICE NO. CV 75-73 June 6, 1975

Policy

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

adopted: February 10, 1998 **November 15, 2012**

Fountain Valley, California

All Personnel

AR 4112.6(a)

PERSONNEL RECORDS

4212.6

4312.6

Placement of Material in Personnel Files

All material to be placed in a personnel file shall be processed through the administrator responsible for the maintenance of personnel files.

When an employee is asked to sign any material that is to be placed in the employee's file, it is with the understanding that the employee's signature signifies only that the employee has read the material and does not necessarily indicate agreement with its contents.

The following procedure shall be followed regarding material of a derogatory nature:

1. The employee will be given notice and an opportunity to review and comment on the material.
2. The notice will inform the employee that he/she may review the derogatory material during normal business hours, that the employee will be released from duty for this purpose and that the employee must respond within 10 working days from the receipt of the notice.
3. The material will be signed and dated by the originating person. Anonymous documents, letters or other materials will not be filed.
4. Employees may request that the Superintendent or designee conduct an investigation of the matter and issue a decision in writing to the employee. The Superintendent or designee shall either ask the employee to make corrections deemed necessary or else shall refuse to amend the record. Material containing allegations determined to be untrue or not founded in fact will not be included in an employee record.
5. After the employee has reviewed and made written comments on the derogatory material it will be entered into the personnel file and will become a part of the employee's permanent record.
6. **Upon review of classified employees personnel files, disciplinary action more than 2 (two) years old will be removed from an employee's personnel file.**

Management Review Procedures

1. Management personnel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.
2. Board members may request to review an employee's file at a personnel session of the entire Board. The contents of all personnel files shall be kept in strictest confidence.

PERSONNEL RECORDS (continued)

3. Personnel files will be reviewed in the office where the files are maintained unless otherwise approved in writing through the Superintendent or designee or administrator responsible for maintaining files.
4. Personnel files shall be reviewed and replaced within the shortest time possible. In no case should a personnel file be left unattended or left unfiled overnight.

File Review by Employee

1. Employees wishing to inspect their personnel file in the office of personnel services must first contact a designated administrator from personnel services. An employee may be accompanied by a representative of the employee's choice while reviewing the file.
2. Subject to 24 hours prior notice, employees may examine their own personnel file at a time when they are not required to render service to the district. Such inspection will take place in the office where the files are maintained, during normal business hours, in the presence of the administrative officer responsible for maintaining files.
3. Confidential placement information in file shall not be available for review unless marked "not confidential" or equivalent by the college, university or other placement office.
4. All reviews of personnel files shall be recorded, including notation of date and time reviewed and name of administrator present during the review.
5. In no instance shall any material be removed from the file. (See above procedure regarding derogatory material.)
6. Any request by an employee to include any materials in the file must be approved by the administrative officer responsible for maintaining files.
7. Requests for copies of material in personnel file must be in writing. Request will be filled within 48 hours of receipt.

Regulation

approved: ~~February 10, 1998~~ **November 15, 2012**

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

Fountain Valley, California



FOUNTAIN VALLEY SCHOOL DISTRICT
Personnel

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: ***REVISION TO BOARD POLICY 4119.1/4219.1/4319.1 Civil and Legal Rights (FIRST READING)***
DATE: October 11, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Revisions to Board Policy 4119.1/4219.1/4319.1 reflect updates to language regarding the district's current practice as they relate to Civil and Legal Rights of employees. Though employees have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. In addition, Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with state or federal laws or regulation. The changes in language reflect the addition of whistleblower protection when applicable. Lastly, 20 USC (United States Code) 6731-6738 limits the liability of teachers, principals and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting in the scope of their employment. The changes in language reflect the information above.

Text to be deleted is indicated by strike-through and new language has been added in bold.

RECOMMENDATION

It is recommended that revisions to Board Policy 4119.1/4219.1/4319.1 Civil and Legal Rights be approved for first reading, with necessary changes as indicated by the Board of Trustees.

All Personnel

BP 4119.1(a)

4219.1

CIVIL AND LEGAL RIGHTS

4319.1

The personal life of an employee is not an appropriate concern for the Board of Trustees except as it may directly prevent the employee from performing his/her duties or responsibilities.

An employee's ~~religious or political~~ **personal beliefs and activities including religious, political, cultural, social or other beliefs or activities**, or the lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided these activities do not violate Board policy, administrative regulations or local, state or federal laws.

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

When necessary to protect the health, welfare or safety of students and staff, school officials may search district property under an employee's control.

(cf. 4040 – Employee Use of Technology)

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee. (Education Code 49091.24)

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.8)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

(cf. 4118 - Suspension/Disciplinary Action)

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

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her, in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

Protection Against Liability

No employee shall be liable for harm caused by his/her act or omission when he/she is acting within the scope of employment or district responsibilities; when the employee's act or omission is in conformity with federal or state law, district policy, or administrative regulation; or when the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school.

(cf. 3320 - Claims and Actions Against the District)

(cf. 9260 - Legal Protection)

The protection against liability shall not apply when:

- 1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.**
- 2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.**
- 3. The employee was not properly licensed, if required, by state law for such activities.**
- 4. The employee was found by a court to have violated a federal or state civil rights law.**
- 5. The employee was under the influence of alcohol or any drug at the time of the misconduct.**
- 6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.**

CIVIL AND LEGAL RIGHTS (continued)

4219.1
4319.1

- 7. The misconduct involved a sexual offense for which the employee has been convicted in a court.**
- 8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.**

Legal Reference:

EDUCATION CODE

200-262.3 262.4 Prohibition of discrimination on the basis of sex

7050-7057 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44801 Leave of absence for employees elected to the Legislature

44040 Discrimination based on employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

48907 Student freedom of expression; employee's protection of student rights

48950 Speech and other communication

49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL CODE

51 Unruh Civil Rights Act

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative action employment programs

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort claims act

825.6 Indemnification of public entity

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12650-12656 False claims actions

12940-12950 Discrimination prohibited; unlawful practices

LABOR CODE

1102.5 – 1106 Whistleblower protections

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

12101 et seq. Americans with Disabilities Act

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

COURT DECISIONS

Hartnett v. Crosier, (2012) 205 Cal.App.4th 685

Johnson v. Poway Unified School District, (2011) 658 F.3d 954

Ohton v. CSU San Diego, (2007) 56 Cal.Rptr.3d 111

Garcetti v. Ceballos, (2006) 543 U.S. 1186

O'Conner v. Ortega, (1987) 480 U.S. 709

New Jersey v. T.L.O., (1985) 468 U.S. 325

Management Resources:

WEB SITES

California Attorney General: <http://www.oag.ca.gov>

Policy

adopted: February 10, 1998 **November 15, 2012**

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT

Fountain Valley, California

Fountain Valley School District
Superintendent's Office

REGULAR MEETING OF THE BOARD OF TRUSTEES

10055 Slater Avenue
Fountain Valley, CA 92708

September 27, 2012

MINUTES

President Ian Collins called the regular meeting of the Board of Trustees to order at 6:31pm.

CALL TO ORDER

The following board members were present:

ROLL CALL

Ian Collins	President
Christine Allcorn	President Pro Tem
Sandra Crandall	Clerk
Jimmy Templin	Member
Judith Edwards	Member

Motion: Mrs. Edwards moved to approve the meeting agenda.

AGENDA APPROVAL

Second: Mr. Templin

Vote: 5-0

There were no requests to address the Board prior to closed session.

PUBLIC COMMENTS

Mr. Collins announced that the Board would retire into Closed Session. No action was anticipated. The following would be addressed:

CLOSED SESSION

- Personnel Matters: *Government Code 54957 and 54957.1*
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Negotiations: *Government Code 54957.6*
Update and review of negotiations with the FVEA and CSEA Bargaining Units with the Board's designated representative, Mrs. Cathie Abdel.
- Property Negotiations: *Government Code 54956.8*

Real property negotiator Steve McMahon will speak to the board about the negotiations concerning the properties at 9191 Pioneer and 10251 Yorktown Avenue, Huntington Beach, CA.

The public portion of the meeting resumed at 7:02pm.
Mrs. Allcorn led the Pledge of Allegiance.

PLEDGE OF
ALLEGIANCE

PUBLIC HEARING

A public hearing was held for the purpose of receiving public comment on the tentative agreement between the Fountain Valley School District and CSEA, Chapter #358 for the 2012-13 year. Public input was welcomed. There were no requests to address the board and the hearing was closed.

PUBLIC HEARING FOR
TENTATIVE
AGREEMENT BETWEEN
FVSD AND CSEA,
CHAPTER #358 FOR 2012-
13 YEAR

STAFF REPORTS AND PRESENTATIONS

Assistant Superintendent, Business, Steve McMahon and Director, Fiscal Services, Scott Martin reviewed for the Board of Trustees the unaudited actuals for the Fountain Valley School District for the fiscal year 2011-12. Mr. McMahon reviewed the economic indicators, challenges and risks facing the district and provided a general review of the district budget. He noted positive trends showing that State finances are improving, although everyone is cautious, noting some concern over the election. The tax rate will be increasing at the end of this year including increases in long term capital gains, causing some uneasiness. State employment levels are improving with little change in the Federal rate. All indicators are currently positive including new auto registrations, median home price, single family home sales, and total employment. The trend line for unemployment is down, showing a significant drop in the State, although it is still above our average. He explained that State revenues and estimates are positive and personal income tax is showing positive growth compared to last year, which is encouraging. He explained that revenue per student is currently at \$4972, and will be at \$4493 if the tax measures do not pass. In looking back at where the district should be in annual per student funding versus where we are at, cuts have resulted in a loss of \$36 million to the district over the last five years. Mr. McMahon explained that risks for the district include the passing or failing of the tax proposals, currently at a 50/50 chance; as well as whether or not the State projections are accurate; so far they are. Challenges include planning for a shorter school year, which is already in place in our district; the weighted funding formula

UNAUDITED ACTUALS
FOR FISCAL YEAR 2011-
12 (ORAL AND
WRITTEN)

which has been set aside for the current time; how much longer the district can continue to spend its reserves, estimated at the current rate to be until 2014-15; and mandated costs and transitional Kindergarten, which are currently in place.

Mr. Martin reviewed the unaudited actuals for the district for 2011-12, and noted that revenues budgeted in July 2011 were at \$41.8 million while the actual revenues in June 2012 were at \$44.8 million, a \$3 million increase. The Revenue Limit came in on budget at \$30.9 million, with Revenue Limit funding representing 69% of total revenues; \$6 million of this revenue is being deferred by the State to the 2012-13 school year. Other revenues for the district are Federal, State and local revenues. When looking at what was budgeted in each of these categories, in each instance the actuals exceed what was budgeted, although this is due to deferrals, roll-overs, etc.; no found money, unfortunately. Federal revenues increased due to deferred Ed Jobs revenue of \$1.2 million and some combined special education revenue of about \$600,000 which was deferred. State revenues increased due to slightly more than anticipated Class Size Reduction revenue and some Lottery roll-over revenue totaling approximately \$415,000. Local revenues included donations of more than \$200,000 and redevelopment and lease revenues of about \$200,000 more than expected. Although again he noted that these additional moneys are not a windfall but instead roll-overs, deferrals or money that could not originally be budgeted for, as in the case of donations. When comparing our budget to the actuals for 2011-12, in July 2011 our budget was at \$45.3 million while in June 2012 actuals were at \$46.1 million, an increase of \$800,000. He explained that salaries and benefits represent 88% of 2011-12 actual expenses and as well the most significant portion of the increase in expenses. He noted though that the increase in salaries is not due to additional headcount or raises. He noted that salaries are a moving target throughout the year and budgets are made in April and May. The \$800,000 increase represents only 2% of our overall budget. Our overall variance appears reasonable and is in line with previous years. In looking at the General Fund, Mr. Martin noted that we began with \$4.1 million in the General Fund, total revenues were \$44.8 million and expenses \$46.1, leading to a deficit of \$1.3 million. \$2 million was transferred in, leaving the ending balance of \$4.8 million at the end of the 2011-12 year in the General Fund. Mrs. Crandall noted that the projected budget for 2012-13 included salaries at 87% of the overall budget, leaving therefore 13% of the budget to be spent on paint, textbooks, supplies, etc. She looked at the projected expenses of classified and certificated staff and estimated that next year we may be at 92% of the

overall budget in labor costs. She asked if this amount was due to this being a moving target, as explained, and would it possibly come down. Mr. Martin noted that he would have to research this further. Mrs. Crandall noted that 13% is a challenge to work with while 8% is very difficult. Mrs. Crandall also noted that the projection for property taxes has increased each year, and asked for the source of this estimate. Mr. Martin explained that these figures come from the County Assessor's Office. Mrs. Crandall also noted regarding the special education entitlement amount versus the special education revenue amount, the Federal Government has stated that they reimburse about 40%, although by her calculations they are reimbursing only about 29%. Mr. Martin noted that this is not a problem unique to the district as numerous districts are underfunded at this time.

Mrs. Crandall asked if with the district's funds reflecting a positive ending balance, in addition to there being an undesignated amount of \$1,281,940, is there is any possibility of paying this money back to Fund 40; perhaps considering putting \$1 million of this money back in the fund. Mr. Martin noted that this is something that we may be able to consider and do more analysis on, although it would need to be discussed with Mr. McMahon and the board. Mrs. Crandall thanked Mr. Martin for his report.

Mr. Collins noted that we have built in costs to cover longevity and step and column, affecting salaries each year.

Dr. Ecker thanked Mr. McMahon and Mr. Martin for their reports this evening, noting that this is the first time our Director of Fiscal Services has had the opportunity to review our unaudited actuals with the Board. He noted that related to Mrs. Crandall's statement, typically salaries and benefits run into the mid 80's in terms of percentage of the overall budget, creeping to 88% is starting to approach dangerous territory and when this percentage exceeds 90 or more; it is something that demands our attention. He noted, however, that the total expense of our salaries today is lower than it was five years ago, due to new hires and furlough days along with the lack of COLA increases. He noted that it is because of deferrals and the immense amount of cuts that we have had to make in program and services, despite the lower total expense of salaries and benefits, that this percentage does creep up. When this expense creeps over 90%, there is a limited amount of funds to operate facilities and provide support in addition to running the risk of being unable to fulfill a district's financial commitments.

Assistant Superintendent, Instruction, Anne Silavs presented the 2012 STAR Tests Results for the Fountain Valley School District

**STAR TEST RESULTS
2012 (ORAL AND**

to the Board of Trustees.

WRITTEN)

She explained that the district needs to complete some demographic data corrections with STAR, causing an abbreviated presentation this evening. These corrections do affect the district's subgroup information. These results will be available in mid-December. API and AYP information will therefore also be delayed. She explained the STAR program, noting that it measures student achievement in English/language arts, writing in grades 4 and 7, mathematics, science in grades 5 and 8 and history/social science in grade 8. She explained that overall, the district's results are impressive. The district surpassed both State and County averages overall. Regarding language arts, there was a 5% gain over 2011 with some grade levels showing significant progress. Writing in Grade 4 showed an overall increase of 9% over last year. We saw growth of 3% in Grade 7 for writing. In mathematics, our scores seemed somewhat flat, with overall a modest 1% gain. She explained that while there appears to be a performance dip in 8th grade math and algebra I, this is actually reflective of the increased number of students enrolled in algebra I. Districts are penalized by the State for students who take the general 8th grade math test instead of the algebra I test. In order to address this, the district has focused on providing grade-level appropriate curriculum and expanding the opportunity for students to participate in algebra I. In 2011, there was a 37% level of participation while in 2012, our participation level increased to 46% of 8th graders. Although there was a decline in overall performance, given the increased participation, the results are still respectable and well above the County average. In science there was growth amongst 5th and 8th grades with a significant increase in 8th grade. In history and social science there was also a gain from 2011 to 2012.

Mrs. Allcorn asked regarding algebra, with the increased pressure from the State for all students in 8th grade to take the algebra I test, if there was a differentiated structure for students or if everything is algebra. Ms. Silavs explained that the district has not thrown all students into algebra. She noted that the framework calls for 8th grade algebra I or algebra readiness, which is essentially a class for those students not yet ready for algebra I, which focuses on primary foundational skills for algebra. The district did broaden its criteria for algebra given the feeling that it would be better for students to gain exposure to algebra I even if they did not score advanced or proficient. It would serve them better than repeating 7th grade standards or standards already mastered. It would be better to challenge these students for a year than to allow them to tread water. She explained that the standard for 8th grade math since 1998 has

been algebra I. She noted that while districts have approached this through varying implementations, she noted for our district that it is important to strike a balance, while we want to provide students opportunities, we do not want to place them in a situation that would be detrimental to them. The challenge for the district is to find a balance on this so that we do not inadvertently become gate keepers for some students.

Mrs. Allcorn noted her understanding concerning AP tests that high schools are judged not necessarily by the number of students that pass the tests, but by the number of students that take the tests; she asked if this was also the case concerning our district and our API ranking. Ms. Silavs explained that we are not penalized in this way. Instead she explained that the only penalty to the district in terms of our accountability and the API index and the AYP score, is if an 8th grade student takes the general math test instead of the algebra I test. While the student receives their correct score, the district receives credit for one level less (i.e., advanced would only be counted as proficient).

Mr. Collins noted that in his experience concerning 8th graders you can do irreparable harm pushing them too fast, too soon because developmentally they are not ready. He noted his understanding of having the bar high and letting students rise to the challenge, but if developmentally they are not ready you are setting them up for failure. He noted because of this he applauds the district for doing it a different way in terms of instruction on algebra I. He thanked Ms. Silavs for her report.

Mrs. Crandall noted that usually success in algebra I is predicated on a really strong mathematical foundation in a young grade. She noted that currently five of our seven elementary schools are in different stages of implementing ST Math. She asked if Ms. Silavs saw any correlation between the ST Math program and these scores. Ms. Silavs noted not yet having studied this relationship but that it will be interesting to see as we go forward if more students meet our expanded criteria for algebra I because they have a strong conceptual understanding of math because of ST Math. Additionally, she noted the transition coming our way with the Common Core State Standards, noting that while math standards are still under review, there are pathways, and it appears to be less rigid than the current California model regarding 8th grade mathematics.

Mr. Collins asked if regarding the corrections to the demographic data will make a difference in the overall achievement level for the district. Ms. Silavs noted that the data was looked at closely and given the hypothetical that if none of those that were miscoded scored proficient or advanced, they looked at what the probability would be that these would have an effect. She noted

that given the fact that they are pretty well scattered across the sites, it was determined that there would not be a significant impact on one school, and for the district in general, perhaps a one percent change.

Mr. Templin asked if the corrections in coding effect individual students. Ms. Silavs explained that it does not have impact on the individual student reports.

Dr. Ecker noted that as the common core was debated, there was a great deal of disagreement over whether or not algebra I should be the standard for 8th grade. He noted that he is pleased with the various options put into place for these students, but that in terms of linking our curriculum to the common core when a parent asks what the core math expectation is for 8th grade, it is algebra I.

BOARD REPORTS AND COMMUNICATIONS

Mr. Crandall attended the Cox, Plavan and Talbert's Back to School Nights and noted that there were wonderful turnouts at each event. She also enjoyed the Mayor's Breakfast and invited the attendees there to attend the Taste of Fountain Valley. She noted that the speaker from the Registrar of Voters thanked the district for the use of its sites on election day. She attended the Kelly Osborn Memorial Fundraiser as well as the second FVEF meeting, noting that the Taste is October 5th at Mile Square and that ticket prices will remain at \$30. She noted that opportunity drawing baskets are in our hallway. She attended the Fulton orientation for 6-8 graders. She also noted that on September 14th the Fountain Valley Educational Foundation turned 30 years old. She noted that there are only three other organizations in Fountain Valley that have sustained 30 years, the Friends of Fountain Valley Library, the Fountain Valley Historical Society and the Fountain Valley Women's Club. She extended her congratulations to FVEF on this accomplishment. She noted that 42 attended the Community Volunteer Academy Kindergarten training, an increase from previous classes. She participated in a CSBA webinar on funding mandates. Regarding the Taste of Fountain Valley, she was pleased to report that 13 restaurants to date have signed up and 200 tickets have been sold.

BOARD REPORTS AND COMMUNICATIONS

Mr. Templin noting that he started coaching again with students and it is a delight. He explained that this also gives him an opportunity to be in the community and field questions that some parents may not be able to ask at a board meeting. He has been promoting the Taste of Fountain Valley as well as the Technology Bond and noted that there will be an exhibit of a 21st

century classroom on display, something that has caught the interest of numerous families. Last year during the school closure, he committed to following up with some families that were affected by the closure of Moiola. At Back to School night he was able to follow up with two of the families, both of which are genuinely happy with their new schools and are very excited about how welcome their students have been made to feel. He noted that the PTA president at Courreges did a wonderful job at Back to School Night providing information on the bond. He enjoyed as well the Talbert Back to School Night. He also has been invited to participate in an Eagle Code of Honor presentation and he invited board to attend. He thanked the board for their support.

Mr. Edwards enjoyed two SPC meetings as well as the OCSBA presentation by Kevin Gordon. She noted that a lot of good information was shared at the event. She attended the scouts' presentation on 9/11 at Courreges, noting that it was a wonderful and very well done event. She also attended the Mayor's Breakfast as well as Newland and Fulton's Back to School Nights.

Mrs. Allcorn enjoyed Fulton's Back to School Night as well as the phone banking at STAR Real Estate for Measure N. She noted that spirits were high both evenings. She thanked those staff that also attended as well as our teachers and parent volunteers. She commended Mrs. Rincon and Mrs. Schultz for their leadership on the bond campaign and she acknowledged the hard work outside of district time and resources that is going into this. She also enjoyed the Taste of Holy Spirit.

Mr. Collins enjoyed Back to School Nights at Gisler and Oka and noted also having the opportunity to speak with some Moiola parents now happy at both of these campuses. He noted that it was a sincere and honest approach across the district to welcome Moiola students into their new sites. He noted that at Masuda the parents turned out in force. He enjoyed the Chamber of Commerce luncheon and noted that when the school district was mentioned there were a lot of smiles. He attended the FVEF meeting and will be working alongside the Community Foundation at the poker tournament on the 6th. He attended two SPC meetings and noted as well that last year he wanted to attend each of site's PTO/A meetings. He is working to fulfill that promise and attended the Talbert, Tamura, Fulton and Cox meetings noting his surprise at how many turned out at the beginning of the school year.

PUBLIC COMMENTS

There were no requests to address the Board.

PUBLIC COMMENTS**LEGISLATIVE SESSION**

Motion:	Mrs. Edwards moved to approve the Revision to Board Policy 1250 Visitors/Outsiders for first reading.	REVISION TO BOARD POLICY 1250 VISTIORS/ OUTSIDERS (FIRST READING)
Second:	Mrs. Allcorn	
Vote:	5-0	
Motion:	Mr. Templin moved to approve the Revisions to Board Policy 3515.2 Disruptions for first reading.	REVISIONS TO BOARD POLICY 3515.2 DISRUPTIONS (FIRST READING)
Second:	Mrs. Crandall	
Vote:	5-0	
Motion:	Mr. Templin moved to approve the Revisions to Board Policy 6020: Parent Involvement for first reading.	REVISIONS TO BOARD POLICY 6020: PARENT INVOLVEMENT (FIRST READING)
Second:	Mrs. Edwards	
Vote:	5-0	
Motion:	Mrs. Crandall moved to approve the Revisions to Board Policy 6145: Extracurricular and Cocurricular Activities for first reading.	REVISIONS TO BOARD POLICY 6145: EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (FIRST READING)
Second:	Mrs. Edwards	
Mrs. Crandall noted that this policy will very much change the complexion of how things are done in the district. Mr. Collins agreed that it is a very difficult situation with litigation hitting the districts, especially the high school districts, very hard. It will change the way thing are done.		
Vote:	5-0	
Motion:	Mr. Templin moved to approve the Revisions to Board Policy 6174: Education for English Learners	REVISIONS TO BOARD POLICY 6174:

for first reading.

Second: Mrs. Allcorn

Vote: 5-0

Motion: Mrs. Edwards moved to approve Board Bylaw 9321: Closed Session Purposes and Agendas for first reading.

Second: Mr. Templin

Vote: 5-0

Motion: Mrs. Edwards moved to approve the Public Disclosure of Collective Bargaining Agreement between FVSD and CSEA, Chapter #358

Second: Mrs. Allcorn

Mr. Collins noting not being able to wait for the day funding improves as it is very difficult for families to live without increases as the cost of living goes up.

Vote: 5-0

Motion: Mrs. Allcorn moved to approve Tentative Agreement Between FVSD and CSEA, Chapter #358.

Second: Mr. Templin

Mr. Collins noted that the district is fortunate to have two associations that work well with us. There are so many districts locally and nationally that endure acrimonious relationships. We appreciate it.

Vote: 5-0

Motion: Mrs. Crandall moved to approve the Consent Calendar.

Second: Mrs. Edwards

Vote: 5-0

EDUCATION FOR
ENGLISH LEARNERS
(FIRST READING)

REVISIONS TO
BOARD BYLAW 9321:
CLOSED SESSION
PURPOSES AND
AGENDAS (FIRST
READING)

PUBLIC DISCLOSURE
OF COLLECTIVE
BARGAINING
AGREEMENT
BETWEEN FVSD AND
CSEA, CHAPTER #358

TENTATIVE
AGREEMENT
BETWEEN FVSD AND
CSEA, CHAPTER #358

CONSENT
CALENDAR/
ROUTINE ITEMS OF
BUSINESS

The Consent Calendar included:

- Board Meeting Minutes from August 23rd board meeting
- Personnel Items (Employment Functions, Workshops/Conferences, and Consultants)
- Warrants
- Purchase Order Listing
- Budget Adjustments
- Renewal of Membership in Huntington Beach Chamber of Commerce in the amount of \$325
- Board Policy 0410 Non-Discrimination in District Programs and Activities (Second Reading and Adoption)
- Board Policy 5131 Conduct (Second Reading and Adoption)
- Board Policy 5144.1 Suspension/Expulsion (Second Reading and Adoption)
- Board Policy 5145.3 Non-Discrimination/Harassment (Second Reading and Adoption)
- Board Policy 5145.7 Sexual Harassment (Second Reading and Adoption)
- Board Policy 5131.2 Bullying (Second Reading and Adoption)
- Board Policy 6170.1 Transitional Kindergarten (Second Reading and Adoption)
- Board Policy 0520.2 Title I Program Improvement Schools (Second Reading and adoption)
- Board Policy 0520.3 Title I Program Improvement Districts (Second Reading and Adoption)
- Confidential Settlement Agreement
- Unaudited Actuals for Fiscal Year Ending 2011-12
- Mandate Block Grant
- Approve Attendance of students from Vista Unified School District
- Approval of Continuation in K-3 Class Size Reduction program for 2012-13
- Non-Public Agency Contracts

Non-Public School/Agency	100% Contract Cost	Effective Dates
Devereux Florida	\$82,490	7/1/12-6/30/13
Sylvia Mende, Psy.D.	\$25,000	7/1/12-6/30/13
Sage Behavior Services, Inc.	\$1,180	8/1/12-8/31/12
Speech & Language Dev. Center	\$3,659.50	7/1/12-8/31/12
Mardan Center of Ed. Therapy	\$30,960	9/6/12-6/30/13

NEW ITEMS OF BUSINESS

Dr. Ecker Noted the 9th Annual Taste of Fountain Valley will be October 5th. He explained that we missed the event last year and it is great to get

back to it. He noted it is a great event that raises money for a good cause. There will be three presentations of a 21st century classroom at the Taste at 6:45, 7:45 and 8:45pm. He noted that the FVEF always supports technology in the district and has endorsed Measure N.

Dr. Ecker Thank Mr. Templin for his kind comments. He thanked senior staff for their quick responses to those questions that came in, noting that we do have a great team. He noted that he appreciates the board for recognizing them and the leadership role they play in district.

Dr. Ecker Noted that he smiles when he hears those good things about the students that went through the Moiola closure and noted it is great to hear examples of people that have spoken to families sharing what a great experience they are now having at their new schools.

Dr. Ecker Thanked our collective bargaining units for their continued cooperation with the district.

Dr. Ecker Noted that a lot of staff in the district are working harder this fall than they ever have because of their assistance in getting the message out on Measure N. There are so many people that care so deeply and work so hard. He noted all the work that is going into calling and the exhibits at Back to School Nights and the Taste of Fountain Valley as well as the messaging on Measure N. He read a quote from Greg Franklin, superintendent of Tustin Unified School District whose district is also going out for a bond on a larger scale. He shared the quote "His Name is Today", noting that this is the real reason behind all of this and it is important to remember as we strive to get a very important message out.

Mr. Collins Welcomed and thanked board candidates Mr. Cunneen and Mrs. Galindo for attending this evening.

ADJOURNMENT

Motion: Mrs. Edwards moved to adjourn the meeting at 8:25pm.

Second: Mr. Templin

Vote: Unanimously approved

/rl

**FOUNTAIN VALLEY SCHOOL DISTRICT
PERSONNEL ITEMS FOR APPROVAL
October 18, 2012**

1.0 EMPLOYMENT FUNCTIONS:

- 1.1 ASSISTANT SUPERINTENDENT, PERSONNEL REQUESTS APPROVAL OF THE FOLLOWING CERTIFICATED LEAVES OF ABSENCE:

	<u>EMPLOYEE</u>	<u>LOCATION</u>	<u>ASSIGNMENT</u>	<u>REASON</u>	<u>EFFECTIVE</u>
1.1.1	Smith, Caroline	Cox	4 th Grade Teacher	Medical	09/11/2012

2.0 EMPLOYMENT FUNCTIONS:

- 2.1 ASSISTANT SUPERINTENDENT, PERSONNEL REQUESTS APPROVAL OF NEW CLASSIFIED EMPLOYEE:

	<u>EMPLOYEE</u>	<u>LOCATION</u>	<u>ASSIGNMENT</u>	<u>EFFECTIVE</u>
2.1.1	Buckley, Danielle	Cox	Preschool Aide	10/01/2012

- 2.2 ASSISTANT SUPERINTENDENT, PERSONNEL REQUESTS APPROVAL OF THE FOLLOWING CLASSIFIED LEAVES OF ABSENCE:

	<u>EMPLOYEE</u>	<u>LOCATION</u>	<u>ASSIGNMENT</u>	<u>REASON</u>	<u>EFFECTIVE</u>
2.2.1	Aguilar, Armando	Cox	IA Bilingual Spanish	Personal	10/05/2012
2.2.2	Webber, Rhonda	Plavan	OA	Medical	10/08/2012

- 2.3 ASSISTANT SUPERINTENDENT, PERSONNEL HAS ACCEPTED THE RETIREMENT OF CLASSIFIED EMPLOYEE DEBBIE SWEANY AS SENIOR SECRETARY SUPPORT SERVICES EFFECTIVE 12/31/2012.

- 2.4 ASSISTANT SUPERINTENDENT, PERSONNEL ACCEPTED THE RESIGNATION OF CLASSIFIED EMPLOYEE LETICIA DUARTE AS PRESCHOOL AIDE AT COX SCHOOL EFFECTIVE 10/12/2012.

3.0 INDEPENDENT CONTRACTOR AGREEMENT:

- 3.1 ASSISTANT SUPERINTENDENT, PERSONNEL REQUESTS APPROVAL OF A STUDENT TEACHING AGREEMENT WITH CONCORDIA UNIVERSITY. THE TERM OF THE AGREEMENT IS JANUARY 1, 2013 TO DECEMBER 31, 2016.

**FOUNTAIN VALLEY SCHOOL DISTRICT
PERSONNEL ITEMS FOR APPROVAL**

October 18, 2012

INSTRUCTION

4.0 APPROVAL OF ADDITIONAL DUTY REQUEST(S)

	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>SALARY</u>	<u>BUDGET</u>	<u>DATE</u>
4.1	FOCKLER, K. C. (Talbert)	Student Council Advisor	\$2,000 stipend, plus benefits	01-014-3888-1115	2012-2013 school year
4.2	GRANT, Jennifer (Talbert)	Cheer Coach	\$1,000 stipend, plus benefits	01-014-3888-1115	2012-2013 school year
4.3	MCCOMBS, Heather (Talbert)	ASB Bookkeeper	\$2,000 stipend, plus benefits	01-272-3888-2415	2012-2013 school year
4.4	ECKER, Molly SOTOLONGO, Joel BARTON, Cecelia WALTERS, Kelly MCNALLY, Colleen HOWARD, Loren WOOD, John MARBUT, Jeff PETRILLA, Gary (Talbert)	Coach for one or more District sports tournaments	\$250 stipend per tournament	01-014-3889-1115	2012-2013 school year
4.5	MINNESANG, Patricia (District Wide)	Coordinating and consulting for text book orders for the 2012-2013 school year	\$1,250.00	01-239-5298-1356	2012-2013 school year
4.6	WATKINS, Mary Lou JOHNSON, Jan LUNG, Louise ANDERSON, Martha (C & I)	School Readiness Coordinator School Readiness Resource Specialists	\$17,000.03 less benefits \$ 9,000.00 less benefits \$ 3,499.96 less benefits \$ 2,999.95 less benefits	01-026-9275-1356 (Watkins, Johnson and Lung) 01-026-9275-1115 (Anderson)	2012-2013 school year
4.7	GERSI, Bridget (Cr) TERICH, Amelia (Pl) (C & I)	Visual and Performing Arts Co-Coordinators	Regular hourly stipend rate of \$26.81 per hour, not to exceed 150 hours per school year for each	01-648-9275-1115	2012-2013 school year
4.8	RASSEY, Diane (Ok) (C & I)	BTSA Support Provider for three private school teachers at \$1,500 each	\$4,500 stipend	01-601-9275-1115	2012-2013 school year
4.9	LEWIS, Kathy (Cox) FOCKLER, Beth (Ful) HOLMAN, Mark (Ful) FLORES, Staci (Ful) WARF, Thomas (Mas) KNOTT, Kim (New) JOHNSTON, Terry (New) RASSEY, Diane (Oka) ANDERSON, Martha (Tam) (C & I)	BTSA Summer trainings for mentors	\$100 \$100 \$300 \$100 \$300 \$300 \$300 \$100 \$100	01-601-9275-1115	Summer, 2012

4.0 APPROVAL OF ADDITIONAL DUTY REQUEST(S) (continued)

	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>SALARY</u>	<u>BUDGET</u>	<u>DATE</u>
4.10	MOELLER, Venus (Cr) HARVEST, Emily (Cox)(75%) SCHLOSSER, Nicole (75%) PERIOLAT, Angie (Ful) BLACKETT, Lindsay (Gis) WARF, Thomas (Mas) NEWLAND ~ TBD DOYLE, Jill (Oka) PLAVAN ~ TBD PARKER, Robin (Tal) (50%) TRIMM, Amy (Tal) (50%) MCKEOWN, Jinny (Tam) (Support Services)	School Site Prevention Coordinator duties	\$1,000 stipend per school site. Cox to be split between two coordinators @ \$750 each. Total of stipends \$10,500	01-267-9962-1115	2012-2013 school year
4.11	MCFERRAN, Allyson (Support Services)	District TUPE Grant Coordinator	\$3,000 stipend	01-253-9961-1255	2012-2013 school year
4.12	HARO, Jessica (Support Services)	Providing Literacy/Auditory processing interventions Speech/Language Coordinator	\$1,000 stipend	01-248-9860-1115	2012-2013 school year

5.0 INDEPENDENT CONTRACTOR AGREEMENTS/RESOLUTIONS

	<u>NAME</u>	<u>ASSIGNMENT</u>	<u>SALARY</u>	<u>BUDGET</u>	<u>DATE</u>
5.1	DAVIS, Courtney (Fulton)	Assistant Cheer Coach to teach cheer techniques and yells to Fulton cheer squad	\$20/hour	Fulton ASB	2012-2013 school year
5.2	REA, Krista (Fulton)	Consultant to teach cheer techniques and yells to Fulton cheer squad	\$30/hour	Fulton ASB	2012-2013 school year
5.3	HERL, Howard (C & I)	His company, Evalumetrics, Inc. will provide PE testing services for the District's 5 th and 7 th grade students	Not to exceed \$1,200.00	01-710-9275-4322	2012-2013 school year

FOUNTAIN VALLEY SCHOOL DISTRICT
DONATION ACCEPTANCE FORM

Federal ID# 95-6001370

All donations to the district must be officially accepted by the Fountain Valley School District Board of Trustees inasmuch as their acceptance may involve an expenditure of district funds for installation, use, and/or maintenance. Before any donation is supplied or purchased by your organization, or formally accepted for a school, the following information is requested on this form. Upon site/document approval, a copy of the form shall be presented to Business Services or Instruction for further consideration and approval in accordance with Board Policy 3290, Donations to School District.

SCHOOL RECEIVING DONATION: Fulton

NAME OF DONOR: Fulton PTA

DESCRIPTION OF DONATION OR CASH DONATION: (Include name and address of manufacturer or vendor, age and condition of item if not new, approximate present value.)
\$ 1500.00

ESTIMATED INSTALLATION COST: (Note software needs, special wiring required, additional components needed, transportation, etc.)

INVENTORY INFORMATION: (Include quantity, brand name, model #, serial #)

ESTIMATED COST OF ANNUAL UPKEEP: (Electricity, special supplies, accessories, etc.)

REVENUE ACCT: **0129000-8699**

EXPENDITURE ACCT(S) FOR BUDGET INCREASE: **010142989-4310**

BUSINESS SERVICES

OCT 05 2012

RECEIVED

RECEIVED

OCT 05 2012

BUSINESS SERVICES

INTENDED USE: (State how this will be used) To cover printing and paper costs for the 12-13 School year.

REVIEWED: [Signature] APPROVED/DISAPPROVED: 10/1/12

Principal/Department Head

Date

REVIEWED: [Signature] APPROVED/DISAPPROVED: 10/5/12

Assistant Superintendent
Business/Administration

Date

REVIEWED: _____ APPROVED/DISAPPROVED: _____

Assistant Superintendent
Instruction

Date

BOARD APPROVAL DATE: 10/18/12

FOUNTAIN VALLEY SCHOOL DISTRICT

TO: STEVE McMAHON

FROM: MARTHA LOCKWOOD

SUBJECT: WARRANT LISTING BOARD MEETING – OCTOBER 18, 2012

DATES 9/19/12 – 10/2/12

WARRANT NUMBERS 59551 - 59698

01 GENERAL	\$	204,125.33
12 CHILD DEVELOPMENT	\$	5,577.12
13 CAFETERIA	\$	4,097.56
14 DEFERRED MAINTENANCE	\$	0
25 CAPITAL FACILITIES	\$	0
35 SCHOOL FACILITIES	\$	0
40 SPECIAL RESERVE	\$	119,350.00
68 WORKERS COMPENSATION	\$	58,060.95
69 INSURANCE	\$	395,838.47
TOTAL	\$	787,049.43

FOUNTAIN VALLEY SD

PURCHASE ORDER DETAIL REPORT - CHANGE ORDERS

BOARD OF TRUSTEES

10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>CHANGE AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20M4030	TRUCPARCO	4,000.00	+1,000.00	012919395 4349	Special Ed. Transportation / Transportation Supplies (only)
G20R0012	AWARDS & TROPHIES	1,200.00	+600.00	012719470 4325	Personnel Department / Office Supplies
G20R0088	SOUTHWEST SCHOOL AND OFFICE SU	500.00	+300.00	012723838 4325	Sch Site Admin - Talbert / Office Supplies
G20R0214	SAMS CLUB	1,077.50	+538.75	120016798 4310	Child Dev Cox Preschool-Instr / Instructional Supplies
G20R0217	SOUTHWEST SCHOOL AND OFFICE SU	1,077.50	+538.75	120016598 4310	Child Dev Newland Presch-Instr / Instructional Supplies
G20R0246	ISITE SOFTWARE LLC	1,953.51	+876.00	133207380 4310	Cafeteria Fund / Instructional Supplies
G20R0365	SMART & FINAL	500.00	+499.00	010142929 4311	Sch Site Instr - Fulton / Elective Supplies
Fund 01 Total:			2,399.00		
Fund 12 Total:			1,077.50		
Fund 13 Total:			876.00		
Total Amount of Change Orders:			4,352.50		

FOUNTAIN VALLEY SD
PURCHASE ORDER DETAIL REPORT
BOARD OF TRUSTEES MEETING 10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>ACCOUNT AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20M4114	RELIABLE DELIVERY SERVICE INC.	700.00	500.00	012869390 5899	Maintenance / Other Operating Expenses
			200.00	120336098 4310	Extended School Administration / Instructional Supplies
G20M4115	CUMMINS CAL PACIFIC	65.00	65.00	012919395 4349	Special Ed. Transportation / Transportation Supplies (only)
G20M4116	STAPLES	500.00	500.00	012879390 4347	Vandalism / Repair & Upkeep of Equipment
G20M4117	CONNELL CHEVROLET	1,100.00	1,100.00	012869390 4347	Maintenance / Repair & Upkeep of Equipment
G20M4128	WESTERN EXTERMINATOR	250.00	250.00	120016098 5899	Extended School Instructional / Other Operating Expenses
G20M4129	ALLIED REFRIGERATION INC.	300.00	300.00	012869390 4347	Maintenance / Repair & Upkeep of Equipment
G20M4130	ORCHARD SUPPLY	969.74	969.74	120016098 4410	Extended School Instructional / Fixed Assets
G20M4131	MCMASTER CARR SUPPLY CO	425.00	425.00	012879390 4347	Vandalism / Repair & Upkeep of Equipment
G20M4132	GRAINGER INC.	100.00	100.00	012899390 4347	Gardening / Repair & Upkeep of Equipment
G20M4133	DAVE BANG ASSOCIATES	9,422.65	9,422.65	012869390 5899	Maintenance / Other Operating Expenses
G20M4134	WEST LITE SUPPLY CO INC	150.00	150.00	012869390 4347	Maintenance / Repair & Upkeep of Equipment
G20M4135	LINC LIGHTING & ELECTRICAL	3,500.00	3,500.00	012869390 5899	Maintenance / Other Operating Expenses
G20M4136	CRANDALL, SAM	200.00	200.00	012869390 5899	Maintenance / Other Operating Expenses
G20M4137	PINNACLE DRYER CORPORATION	700.00	700.00	012869390 4347	Maintenance / Repair & Upkeep of Equipment
G20M4138	REFRIGERATION CONTROL COMPANY	3,000.00	3,000.00	133207380 4347	Cafeteria Fund / Repair & Upkeep of Equipment
G20M4139	SIGN WAREHOUSE	600.00	600.00	012879390 4347	Vandalism / Repair & Upkeep of Equipment
G20M4140	SMARDEN SUPPLY COMPANY	584.70	584.70	012869390 4345	Maintenance / Maintenance Supplies
G20R0331	TARGET STORES	107.75	107.75	012731616 4327	Health Supplies - Newland / Health Supplies
G20R0396	METRO BUSINESS SOLUTIONS INC.	2,340.18	2,340.18	012719385 5815	Purchasing / Document Imaging
G20R0399	ORANGE COUNTY DEPARTMENT OF ED	675.00	675.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,
G20R0400	CAMBIUM LEARNING INC.	3,500.00	3,500.00	010113255 4320	Title I - Cox / Computer Supplies
G20R0401	SINGIN & SIGNIN	203.65	203.65	011494788 4310	FVEF Teacher Grants - Courrage / Instructional Supplies
G20R0402	MIND RESEARCH INSTITUTE	3,999.00	3,999.00	010113255 4320	Title I - Cox / Computer Supplies

FOUNTAIN VALLEY SD
PURCHASE ORDER DETAIL REPORT
BOARD OF TRUSTEES MEETING 10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>ACCOUNT AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20R0403	SOCIAL STUDIES SCHOOL SERVICES	248.96	248.96	011494788 4310	FVEF Teacher Grants - Courrege / Instructional Supplies
G20R0404	RADIO WORKS	153.01	153.01	010014747 4399	Sch Site Instr - Courreges / Equipment Under \$500.00
G20R0405	WEEKLY READER	3,602.44	3,602.44	010013232 4310	Sch Site Instr - Cox / Instructional Supplies
G20R0406	MCGRAW-HILL	2,517.91	2,517.91	012129078 4110	Lottery Instructional Material / Basic Textbooks
G20R0407	TEXTBOOK WAREHOUSE	263.99	263.99	012129078 4110	Lottery Instructional Material / Basic Textbooks
G20R0408	MEDIC FIRST AID INTERNATIONAL	152.19	152.19	012289961 4327	MAA - Administration / Health Supplies
G20R0409	SOUTHWEST SCHOOL AND OFFICE SU	4,200.00	4,200.00	010011010 4310	Sch Site Instr - Tamura / Instructional Supplies
G20R0410	SOUTHWEST SCHOOL AND OFFICE SU	300.00	300.00	010011010 4310	Sch Site Instr - Tamura / Instructional Supplies
G20R0411	LEE & ASSOCIATES	4,058.17	4,058.17	012869390 5813	Maintenance / Consultant
G20R0412	LAKESHORE LEARNING MATERIALS	161.63	161.63	120016098 4310	Extended School Instructional / Instructional Supplies
G20R0413	TARGET STORES	161.63	161.63	120016098 4310	Extended School Instructional / Instructional Supplies
G20R0414	SOUTHWEST SCHOOL AND OFFICE SU	500.00	500.00	012719275 4325	Curriculum/Instruction Office / Office Supplies
G20R0415	CASBO	640.00	640.00	012849380 5210	Fiscal Services / Travel, Conference, Workshop
G20R0416	API FUND FOR PAYROLL EDUCATION	1,808.00	1,808.00	012819771 5210	Personnel Commission / Travel, Conference, Workshop
G20R0417	EDUCATIONAL INNOVATIONS	129.47	129.47	011492988 4310	FVEF Teacher Grants - Fulton / Instructional Supplies
G20R0418	STAPLES	150.00	150.00	010144949 4310	Sch Site Instr - Masuda / Instructional Supplies
G20R0419	ORANGE COUNTY DEPARTMENT OF ED	2,700.00	2,700.00	014036075 5210	Title II-Administrator Trainin / Travel, Conference,
G20R0420	BARNES AND NOBLE	233.85	233.85	011493788 4310	FVEF Teacher Grants - Oka / Instructional Supplies
G20R0421	CAPITAL ONE PUBLIC FUNDING LLC	119,350.00	119,350.00	408508792 7438	COP's Debt Service-STAR DO / DEBT SERVICE
G20R0422	ARIEL SUPPLY INC.	155.05	155.05	012849380 4325	Fiscal Services / Office Supplies
G20R0423	LYNDE-ORDWAY COMPANY	305.00	305.00	012059385 5645	Publications / Outside Srvs-Repairs & Mainten
G20R0424	ORANGE COUNTY DEPARTMENT OF ED	1,232.89	1,232.89	015999860 5390	Special Ed - Administration / Dues and Membership Non
G20R0425	SCHOLASTIC READING COUNTS	285.54	285.54	120016198 4310	State Preschool Instructional / Instructional Supplies
G20R0426	BUREAU OF EDUCATION & RESEARCH	225.00	225.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,

FOUNTAIN VALLEY SD
PURCHASE ORDER DETAIL REPORT
BOARD OF TRUSTEES MEETING 10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>ACCOUNT AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20R0427	NORTHERN SPEECH SERVICES INC.	299.00	299.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,
G20R0428	I-SAFE INC.	25.95	25.95	012395098 5899	7395 Sch/Libr Imp Instr-DO / Other Operating Expenses
G20R0429	CMI EDUCATION INSTITUTE INC.	199.00	199.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,
G20R0430	APPLE COMPUTER ORDER	62.50	62.50	012109078 4320	Tech/Media Office Operation / Computer Supplies
G20R0431	ARIEL SUPPLY INC.	424.43	124.94	012109078 4325	Tech/Media Office Operation / Office Supplies
			299.49	012658155 4325	Assessment and Accountability / Office Supplies
G20R0432	LAKESHORE LEARNING MATERIALS	330.00	330.00	010014040 4310	Sch Site Instr - Plavan / Instructional Supplies
G20R0433	ARIEL SUPPLY INC.	109.31	109.31	010013131 4310	Sch Site Instr - Gisler / Instructional Supplies
G20R0434	LAKESHORE LEARNING MATERIALS	75.00	75.00	015104960 4310	Special Ed. - Masuda SDC / Instructional Supplies
G20R0435	ARIEL SUPPLY INC.	314.52	314.52	010013131 4310	Sch Site Instr - Gisler / Instructional Supplies
G20R0436	CMI EDUCATION INSTITUTE INC.	211.49	211.49	010114955 5210	Title I - Masuda / Travel, Conference, Workshop
G20R0437	BADGE COMPANY, THE	20.65	20.65	012289961 4327	MAA - Administration / Health Supplies
G20R0438	COUNTY OF ORANGE	75.43	75.43	012289961 4327	MAA - Administration / Health Supplies
G20R0439	COMPLETE BUSINESS SYSTEMS	1,690.62	1,690.62	010142929 4310	Sch Site Instr - Fulton / Instructional Supplies
G20R0440	PEARSON ASSESSMENTS	1,672.27	1,672.27	012289961 4322	MAA - Administration / Testing Supplies
G20R0441	SOUTHWEST SCHOOL AND OFFICE SU	195.94	195.94	012289961 4325	MAA - Administration / Office Supplies
G20R0443	BRAINPOP	441.78	441.78	011493788 4310	FVEF Teacher Grants - Oka / Instructional Supplies
G20R0444	FOLLETT SOFTWARE COMPANY	646.50	646.50	011493788 4310	FVEF Teacher Grants - Oka / Instructional Supplies
G20R0445	PERSONNEL TESTING COUNCIL/SC	144.00	144.00	012819771 5210	Personnel Commission / Travel, Conference, Workshop
G20R0446	OFFICE DEPOT	164.68	28.00	012059385 4325	Publications / Office Supplies
			136.68	133207380 4325	Cafeteria Fund / Office Supplies
G20R0447	ARIEL SUPPLY INC.	350.00	350.00	012724747 4325	Sch Site Admin - Courreges / Office Supplies
G20R0448	BERNIER REFRIGERATION GENERATI	1,026.03	1,026.03	133207380 4347	Cafeteria Fund / Repair & Upkeep of Equipment
G20R0449	RENAISSANCE LEARNING INC	6,658.60	6,658.60	010114955 4310	Title I - Masuda / Instructional Supplies

FOUNTAIN VALLEY SD
PURCHASE ORDER DETAIL REPORT
BOARD OF TRUSTEES MEETING 10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>ACCOUNT AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20R0450	DISCOUNT SCHOOL SUPPLY	378.20	378.20	120016498 4310	Child Dev Oka Preschool-Instr / Instructional Supplies
G20R0451	LAKESHORE LEARNING MATERIALS	215.50	215.50	120016698 4310	Child Dev Courreges Pres-Instr / Instructional Supplies
G20R0452	PEARSON EDUCATION	668.80	668.80	012129078 4110	Lottery Instructional Material / Basic Textbooks
G20R0453	SOUTHWEST SCHOOL AND OFFICE SU	200.00	200.00	012732929 4327	Health Supplies - Fulton / Health Supplies
G20R0454	SOUTHWEST SCHOOL AND OFFICE SU	1,492.72	1,492.72	012289961 4325	MAA - Administration / Office Supplies
G20R0455	TARGET STORES	161.63	161.63	120016098 4310	Extended School Instructional / Instructional Supplies
G20R0456	MAYER-JOHNSON LLC	429.92	429.92	012289961 4310	MAA - Administration / Instructional Supplies
G20R0457	GUPTA, SANGEETA	15,000.00	15,000.00	015999860 5894	Special Ed - Administration / Regionalized Services (X-Pot)
G20R0458	UNITED HEALTH SUPPLIES	44.69	44.69	012723232 4325	Sch Site Admin - Cox / Office Supplies
G20R0459	SOUTHWEST SCHOOL AND OFFICE SU	53.88	53.88	010013232 4310	Sch Site Instr - Cox / Instructional Supplies
G20R0460	LOZANO SMITH	180.00	180.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,
G20R0461	LOZANO SMITH	90.00	90.00	010019961 5210	Medi-Cal Billing-Instructional / Travel, Conference,
G20R0462	RENAISSANCE LEARNING INC	3,712.94	3,712.94	010014789 4310	PTA Donations - Courreges / Instructional Supplies
G20R0463	SOUTHWEST SCHOOL AND OFFICE SU	102.08	102.08	012589860 4325	Discrete Trial Training / Office Supplies
G20R0464	WESTED	248.90	248.90	012539962 4310	Tobacco-Use-OCDE Instructional / Instructional Supplies
G20R0465	TARGET STORES	50.00	50.00	012289961 4310	MAA - Administration / Instructional Supplies
G20R0466	TARGET STORES	100.00	100.00	012289961 4310	MAA - Administration / Instructional Supplies
G20R0467	MCGRAW-HILL	200.87	200.87	012289961 4310	MAA - Administration / Instructional Supplies
G20R0468	SCHOLASTIC CATALOG DEPT.	669.97	669.97	012338055 4310	Title III-LEP-Instructional / Instructional Supplies
G20R0469	JACK SCHREDER & ASSOCIATES	5,895.10	5,895.10	252860000 8681	Developer Fee Capital Faciliti / FEES
G20R0470	RIVERSIDE PUBLISHING COMPANY	525.96	525.96	012289961 4325	MAA - Administration / Office Supplies
G20R0471	OFFICE DEPOT	182.40	182.40	012719165 4325	Superintendent / Office Supplies
G20R0472	OCSBA	125.00	125.00	012719166 5390	Board of Trustees / Dues and Membership Non Taxabl
G20R0473	HUNTINGTON BEACH CHAMBER	325.00	325.00	012719165 5390	Superintendent / Dues and Membership Non Taxabl

FOUNTAIN VALLEY SD
PURCHASE ORDER DETAIL REPORT
BOARD OF TRUSTEES MEETING 10/18/2012

FROM 09/20/2012 TO 10/08/2012

<u>PO NUMBER</u>	<u>VENDOR</u>	<u>PO TOTAL</u>	<u>ACCOUNT AMOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>PSEUDO / OBJECT DESCRIPTION</u>
G20R0474	FOUNTAIN VALLEY CHAMBER OF COM	303.00	303.00	012719165 5390	Superintendent / Dues and Membership Non Taxabl
G20R0475	NERDS INC.	143.22	143.22	011493888 4310	FVEF Teacher Grants - Talbert / Instructional Supplies
G20R0477	HOME DEPOT	1,500.00	1,500.00	010144949 4311	Sch Site Instr - Masuda / Elective Supplies
G20R0478	STAPLES	50.00	50.00	015644960 4310	Special Ed. - Masuda S&L / Instructional Supplies
G20R0479	ORIENTAL TRADING COMPANY	484.88	484.88	120016798 4310	Child Dev Cox Preschool-Instr / Instructional Supplies
G20R0480	ORIENTAL TRADING COMPANY	172.40	172.40	120016698 4310	Child Dev Courreges Pres-Instr / Instructional Supplies
G20R0481	PAPER DIRECT INC	59.25	59.25	012819771 5828	Personnel Commission / Staff Recognition
G20R0482	STAPLES	90.45	90.45	010144949 4310	Sch Site Instr - Masuda / Instructional Supplies
G20R0483	SOUTHWEST SCHOOL AND OFFICE SU	35.71	35.71	015642960 4325	Special Ed. - Fulton S&L / Office Supplies
G20R0484	ATLAS BOLT	330.56	330.56	010142929 4311	Sch Site Instr - Fulton / Elective Supplies
G20S8015	WAXIE	168.09	168.09	011000000 9320	Revenue Limit - State Revenues / STORES
G20S8016	WAXIE	9,387.45	9,387.45	011000000 9320	Revenue Limit - State Revenues / STORES
G20S8017	CANNON SPORTS	1,335.88	1,335.88	011000000 9320	Revenue Limit - State Revenues / STORES
G20S8018	BATTERY SPECIALTIES	120.25	120.25	011000000 9320	Revenue Limit - State Revenues / STORES
G20S8020	P & R PAPER SUPPLY COMPANY	567.13	567.13	011000000 9320	Revenue Limit - State Revenues / STORES
	Fund 01 Total:	105,017.97			
	Fund 12 Total:	3,441.15			
	Fund 13 Total:	4,162.71			
	Fund 25 Total:	5,895.10			
	Fund 40 Total:	119,350.00			
	Total Amount of Purchase Orders:	237,866.93			

FOUNTAIN VALLEY SD

Reference #:

Adjustment of Funds

2013 10

It has been resolved to make the budget adjustments as listed below per Education Code 42600.

Fund: 0101 GENERAL FUND

Object	Description	FROM	TO
1100	TEACHERS' SALARIES	6,916.00	11,423.00
1200	CERTIFICATED PUPIL SUPPORT		28,076.00
1300	SUPERVISION AND ADMINISTRATORS	7,746.00	
2100	INSTRUCTIONAL AIDES' SALARIES		267.00
2400	CLERICAL & OFFICE SALARIES		3,102.00
3101	STRS-CERTIFICATED POSITIONS	4,654.00	3,396.00
3202	PERS-CLASSIFIED		385.00
3313	MEDICARE-CERTIFICATED	378.00	597.00
3314	MEDICARE-CLASSIFIED	2.00	47.00
3353	ARP-CERTIFICATED	180.00	2,463.00
3354	ALTERNATIVE RETIRE-CLASSIFIED	48.00	
3356	OASDI-CLASSIFIED		210.00
3401	HEALTH & WELFARE-CERTIFICATED		4,000.00
3501	SUI-CERTIFICATED	358.00	452.00
3502	SUI-CLASSIFIED		36.00
3601	WORKERS'COMP-CERTIFICATED	509.00	830.00
3602	WORKERS'COMP-CLASSIFIED		70.00
3802	PERS REDUCTION-CLASSIFIED		8,281.00
4200	BOOKS OTHER THAN TEXTBOOKS		130.00
4300	MATERIALS & SUPPLIES	35.00	4,510.00
4400	NONCAPITALIZATION EQUIPMENT		1,500.00
5200	TRAVEL & CONFERENCES	709.00	2,560.00
5712	Direct Cost - Postage		45.00
5800	PROF/CONS SERV & OPER EXPENSE		23,805.00
7310	TRANSFER OF INDIRECT COSTS		1,682.00
8300	STATE INCOME		30,400.00
8500	STATE INCOME	458.00	6.00
8600	LOCAL INCOME	55,121.00	97,537.00
9740	RESTRICTED BALANCE	42,314.00	30,400.00
9790	UNASSIGNED/UNAPPROPRIATED	11,218.00	19,164.00

FOUNTAIN VALLEY SD

Reference #:

Adjustment of Funds

2013 10

It has been resolved to make the budget adjustments as listed below per Education Code 42600.

Fund: 0101 GENERAL FUND

Object	Description	FROM	TO
Subfund Total:		130,646.00	275,374.00

I certify this is a true excerpt from the Minutes of a regular Board Meeting held by the FOUNTAIN VALLEY SD Board of Trustees, October 18, 2012.

AYES: _____

NOES: _____

ABSENT: _____

Secretary, Board of Trustees

The above adjustment was approved on the _____ day of _____, 200____.

APPROVED: Superintendent of Schools, County of Orange: _____
Deputy

FOUNTAIN VALLEY SD

Reference #:

Adjustment of Funds

2013 11

It has been resolved to make the budget adjustments as listed below per Education Code 42600.

Fund: 6768 INSURANCE-WCI

Object	Description	FROM	TO
8600	LOCAL INCOME		12,205.00
9790	UNASSIGNED/UNAPPROPRIATED		12,205.00
Subfund Total:		0.00	24,410.00

I certify this is a true excerpt from the Minutes of a regular Board Meeting held by the FOUNTAIN VALLEY SD Board of Trustees, October 18, 2012.

AYES: _____

NOES: _____

ABSENT: _____

Secretary, Board of Trustees

The above adjustment was approved on the ____ day of _____, 200__.

APPROVED: Superintendent of Schools, County of Orange: _____
Deputy

ROTARY CLUB OF FOUNTAIN VALLEY
Quarterly Billing Statement

Sept. 8, 2012

Marc Ecker
10699 El Soneto Ave.,
Fountain Valley, Ca., 92708

Description	Amount
2012-2013 First Quarter Dues	\$150

Make all checks payable to ROTARY CLUB OF FOUNTAIN VALLEY.
You can hand your check to Club Treasurer, Wayne Carr, on Tuesday morning or mail to:

Wayne Carr, 18867 San Felipe St., Fountain Valley, Ca., 92708.

Because of the on going expense of the Club, dues are due upon receipt.

Note: If there are any changes in you contact information, please let me know ASAP.

Any questions, contact Wayne at 714-746-0332.

Fountain Valley School District
CURRICULUM/INSTRUCTION

M E M O R A N D U M

TO: Marc Ecker, Superintendent
FROM: Anne Silavs, Assistant Superintendent, Instruction
SUBJECT: **Resolution 2013-15: Certification of Provision of Standards-Aligned Instructional Materials**
DATE: October 1, 2012

Background

The Board of Trustees of the Fountain Valley School District shall hereby certify that as of October 18, 2012, each pupil in the District in kindergarten through grade 8 has been provided with a standards-aligned textbook or basic instructional materials in each of the following areas:

- Mathematics
- Science
- History-social science
- English/language arts, including the English language development component of an adopted program
- Visual and performing arts

The instructional materials were purchased from an approved standards-aligned state adoption list as required by CCR, Title 5, Section 9531.

The required public hearing concerning adequate textbooks and Board Resolution are agendaized for the Board meeting of October 18, 2012. Certification shall also be approved by the Board of Trustees at this meeting.

Recommendation

It is recommended that the Board of Trustees shall hereby certify that each pupil in the Fountain Valley School District shall be provided with a standards-aligned textbook or basic instructional materials in the curricular areas of mathematics, science, history-social science, English/language arts and visual and performing arts.

RESOLUTION 2013-15

**RESOLUTION OF THE FOUNTAIN VALLEY SCHOOL DISTRICT GOVERNING BOARD
DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL
MATERIALS FOR 2012-2013.**

WHEREAS, Education Code Section 60119 establishes steps and procedures to ensure the availability of textbooks and instructional materials in order to be eligible to receive funds for that purpose, and;

WHEREAS, the procedures require that school districts take appropriate action to ensure the availability of textbooks and instructional materials on a yearly basis, and;

WHEREAS, pursuant to Education Code Sections 60119 and 60422(b), the Board is required to hold a public hearing to encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and;

WHEREAS, the governing board is required to provide ten days' notice of the public hearing, and the notice shall contain the time, place and purpose of the hearing, and it shall be held at a time that will encourage the attendance of teachers and parents and be posted in three public places in the school district, and;

WHEREAS, a public hearing will be held on October 18, 2012 at 7:00 p.m., and;

WHEREAS, the school district's governing board is required to make a written determination as to whether each pupil in the district enrolled in a foreign language or health course has, or will have prior to the end of the fiscal year, sufficient textbooks or instructional materials, or both, in each subject that is consistent with the content and cycles of the curriculum framework adopted by the State Board, and;

WHEREAS, the Board is required to make a determination, through a resolution, as to whether each pupil in each school in the district has, sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Education Code Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the State Board:

- (i) Mathematics,
- (ii) Science,
- (iii) History-social science,
- (iv) English/language arts, including the English language development component of an adopted program.
- (v) Visual and performing arts

NOW THEREFORE, BE IT RESOLVED, that the governing Board makes the determination that each pupil of the district, has available sufficient textbooks or instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board and in accordance with the procedures as established.

BE IT FURTHER RESOLVED, that for the 2012-2013 school year, the Fountain Valley School District, has provided each pupil with sufficient textbooks or instructional materials consistent with the content and cycles of the curriculum frameworks.

BE IT FURTHER RESOLVED, that for the 2012-2013 school year, the School District has provided sufficient textbooks or instructional materials, or both, that are consistent with the content and cycles of the curriculum frameworks adopted by the State Board, to each pupil enrolled in a foreign language or health course.

AYES: Members:

NOES: Members:

ABSENT: Members:

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

I hereby certify the foregoing Resolution was duly and regularly adopted by the Fountain Valley School District Board of Trustees at a regular meeting of the said board held at Fountain Valley, California on the 18th day of October, 2012.

ATTEST:

Ian Collins, President, Board of Trustees

Date

Marc Ecker, Ph.D., Secretary, Board of Trustees

Date

Fountain Valley School District
BUSINESS SERVICES DIVISION
ASB/S12-13 – 94

M E M O R A N D U M

TO: Marc Ecker, Superintendent
FROM: Stephen McMahon, Assistant Superintendent, Business Services
DATE: October 4, 2012
SUBJECT: **APPROVE STUDENT TRANSPORTATION SERVICES BETWEEN
ORANGE COUNTY SCHOOL DISTRICTS**

BACKGROUND

Orange County School Districts have a long standing agreement to help with student transportation during peak demand periods. Districts having personnel, vehicles and equipment suitable for special education, transfers (e.g. No Child Left Behind Act), athletic, field trips and special event activities, enter into a cooperative effort to provide these student transportation services on an as needed and when available basis.

Fountain Valley School District has participated in this cooperative effort in the past and is being asked to participate during the term of the new agreement, July 1, 2012 through June 30, 2017. The Requesting District agrees to compensate the Transporting District at the hourly rate and/or mileage set by the Transporting District.

RECOMMENDATION

It is recommended that the Board of Trustees approve the “Agreement For Student Transportation Services Between The Orange County School Districts” and authorize the Superintendent or his designee to sign all documents.

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**AGREEMENT
FOR STUDENT TRANSPORTATION SERVICES
BETWEEN THE ORANGE COUNTY SCHOOL DISTRICTS**

This Agreement is made by and between the Orange County School Districts (hereinafter referred to as "Districts") listed on Exhibit A.

RECITALS

WHEREAS, the Districts are mutually interested in and concerned with the provision of adequate student transportation services during peak demand periods;

WHEREAS, certain Districts have personnel, vehicles, equipment and support facilities which are potentially available and suitable for special education, transfers (e.g., No Child Left Behind Act), athletic, field trip, and special event activity student transportation services;

WHEREAS, other Districts are in need of such student transportation services;

WHEREAS, all the Districts wish to avoid any disruption of student transportation services necessary for such activities; and

WHEREAS, the Districts wish to enter into a cooperative effort to provide these student transportation services on an as needed and when available basis.

NOW, THEREFORE, the Districts agree as follows:

1. The recitals stated above are true and correct and are made a part of this Agreement.
2. Student Transportation Services.
 - 2.1 Each District listed on Exhibit A, which is incorporated herein by reference, agrees to participate in this Agreement for the purpose of ensuring that students will be able to have transportation in the event that an emergency need arises of another District that is a party to this Agreement for special education, transfers (e.g., No Child Left Behind Act), athletic, field trip or special event activity.
 - 2.2 When one District ("Requesting District") lacks the necessary school buses and licensed school bus drivers to transport its students for special education, transfers (e.g., No Child Left Behind Act), athletic, field trip or special event activities, the Requesting District may contact one of the Transporting Districts listed on Exhibit A. If the Transporting District has available extra school bus(es) and licensed school bus driver(s), then the Transporting District, in its sole discretion, may provide to the Requesting District the student transportation services and Requesting District agrees to pay the rate and/or mileage set by the Transporting District.
 - 2.3 Transporting Districts have sole discretion to decide whether to provide student transportation services to a Requesting District. Any Transporting District may also be a Requesting District.
 - 2.4 Each Transporting District agrees to provide approved school buses and properly licensed school bus drivers and to perform regular preventive maintenance services on their school buses.

- 2.5 The Requesting District agrees that transportation outside of the Transporting District's normal business hours, weekends and holidays, shall be at the rate and/or mileage set by the Transporting District.
- 2.6 Districts agree that the Transporting District shall not be compelled by this Agreement to create any new transportation routes or to hire additional school bus drivers or to acquire additional school buses to service the Requesting District's student bus transportation needs.
- 2.7 The Districts shall cooperatively arrange for the required student transportation services and specific details of the required student transportation services shall be decided between the Requesting District and Transporting District.
- 2.8 Districts agree that this Agreement shall not prohibit, prevent or restrict any District from entering into any separate or alternative student transportation services agreement.
3. Compensation.
 - 3.1 The Requesting District agrees that the compensation for student transportation services shall be at the hourly rate and/or mileage set by the Transporting District.
 - 3.2 Each Transporting District has the sole discretion to change the hourly rate and/or mileage at any time without notice.
 - 3.3 Transporting District shall invoice the Requesting District and shall itemize costs payable by Requesting District. Requesting District shall pay Transporting District within forty five (45) days of receipt of an invoice.
4. Student Behavior Guidelines. A Requesting District shall follow the Student Behavior Guidelines established by the selected Transporting District.
5. Term of the Agreement. This term of the Agreement will be July 1, 2012, through June 30, 2017 subject to termination as set forth herein.
6. Termination. Participation in this Agreement may be unilaterally terminated by any District at any time. A District wishing to terminate shall provide thirty (30) days prior written notice to Orange Unified School District, Attention: Pam McDonald, Transportation Director, who will notify all remaining Districts to this Agreement of the decision of a terminating District and the date of effective termination. Termination by one District will not terminate this Agreement as to the remaining Districts.
7. Indemnification. A Requesting District agrees to defend, indemnify and hold harmless a Transporting District, its governing board, officers and employees from every claim or demand made and every liability, loss, damage, cost, expense, action, cause of action, or judgment of any nature whatsoever, arising from the intentional or negligent act or negligent omission of the Requesting District.

A Transporting District agrees to defend, indemnify and hold harmless a Requesting District, its governing board, officers and employees from every claim or demand made and every liability, loss, damage, cost, expense, action, cause of action, or judgment of any nature whatsoever, arising from the intentional or negligent act or negligent omission of the Transporting District.

8. Insurance. Each District has and agrees to maintain, in full force and effect, a policy or policies of insurance evidencing all coverages and endorsements necessary, in its sole discretion, for purposes of effectuating the purposes of this Agreement. An appropriate self-insurance program shall be acceptable. Copies of the certificates of insurance for each District shall be provided upon written request of any District that is a party to this Agreement.
9. Independent Contractors. Each District, in the performance of services pursuant to this Agreement, shall be and act as an independent contractor. Each District understands and agrees that it and all of its employees shall not be considered officers, employees or agents of any of the participating Districts to this Agreement. Each District assumes the full responsibility for the acts and/or omissions of its employees as they relate to the services to be provided under this Agreement. Each District shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to District's employees.
10. Assignment. This Agreement and the services provided herein shall not be assigned by any District.
11. Notice. Notice shall be in writing and be given by personal service, interdistrict mail service, or by U.S. Mail, postage prepaid, Attn: Transportation Director. Notice shall be considered given when received, if personally served; if provided by interdistrict mail, on the following business day; or, if mailed, on the third day after deposit in any U.S. Post Office. The address to which notices are to be sent are set forth in Exhibit A.
12. Applicable Laws. Each District agrees to comply with all laws, rules and regulations applicable to providing student bus transportation services in the State of California.
13. Governing Law. This Agreement shall be governed by the laws of the State of California, with venue in Orange County, California.
14. Entire Agreement. This Agreement and Exhibit A attached hereto constitute the entire agreement between the Districts. However, it does not supersede any prior, current or subsequent written agreement entered into by the Districts with regard to student transportation services. This Agreement may be amended only by a written amendment executed by the Districts.

FOUNTAIN VALLEY SCHOOL DISTRICT

Print School District Name

Signature

Stephen L McMahon, Assistant Superintendent, Business

Print Name and Title

October 18, 2012

Date

Exhibit A
Participating Districts

Anaheim City School District
1001 South East Street
Anaheim, CA 92805
Attn: Rick Lewis
(Transporting District)

Anaheim Union High School District
501 Crescent Way
Anaheim, CA 92803
Attn: John Jessie
(Transporting District)

Brea Olinda Unified School District
Number One Civic Center Circle
Brea, CA 92822
Attn: Raymond James
(Transporting District)

Buena Park School District
6885 Orangethorpe Avenue
Buena Park, CA 90620
Attn: Alfonso Perez
(Transporting District)

Capistrano Unified School District
32972 Calle Perfecto
San Juan Capistrano, CA 92675
Attn: Mike Patton
(Transporting District)

Centralia School District
6625 La Palma Avenue
Buena Park, CA 90620
Attn: Carla Nossett
(Transporting District)

Cypress School District
9470 Moody Street
Cypress, CA 90630
Attn: Robert Daley
(Transporting District)

Fountain Valley School District
10055 Slater Avenue
Fountain Valley, CA 92708
Attn: ~~Jim Sobraska~~

Johnny Trevino

Fullerton Joint Union High School District
1051 West Bastanchury Road
Fullerton, CA 92833
Attn: William Nance
(Transporting District)

Fullerton School District
1401 West Valencia Drive
Fullerton, CA 92833
Attn: Mike Brito

Huntington Beach City School District
20451 Cramer Lane
Huntington Beach, CA 92646
Attn: Jo-Lynn Wesolek
(Transporting District)

Irvine Unified School District
5050 Barranca Parkway
Irvine, CA 92604
Attn: Rose Clegg

Exhibit A
Participating Districts

La Habra City School District
500 North Walnut Street
La Habra, CA 90631
Attn: Mary Allen

Los Alamitos Unified School District
10293 Bloomfield Street
Los Alamitos, CA 90720
Attn: James Poper
(Transporting District)

Magnolia School District
2705 West Orange Avenue
Anaheim, CA 92804
Attn: Pam Odiorne
(Transporting District)

Orange County Superintendent of Schools
200 Kalmus Drive
Costa Mesa, CA 92626
Attn: Pat McCaughey

Placentia-Yorba Linda Unified School District
1301 East Orangethorpe Avenue
Placentia, CA 92870
Attn: Steve UMBER
(Transporting District)

Santa Ana Unified School District
1601 East Chestnut Avenue
Santa Ana, CA 92701
Attn: Chris Telarico

Westminster School District
14121 Cedarwood Avenue
Westminster, CA 92683
Attn: Donna Rivard
(Transporting District)

Laguna Beach Unified School District
550 Blumont Street
Laguna Beach, CA 92651
Attn: Eric Jetta

Lowell Joint School District
11019 Valley Home Avenue
Whittier, CA 90603
Attn: Andrea Reynolds

Newport-Mesa Unified School District
2985-A Bear Street
Costa Mesa, CA 92626
Attn: Pete Meslin
(Transporting District)

Orange Unified School District
726 West Collins Avenue
Orange, CA 92867
Attn: Pam McDonald
(Transporting District)

Saddleback Valley Unified School District
25631 Peter A. Hartman Way
Mission Viejo, CA 92691
Attn: Kimberly Seiver
(Transporting District)

Savanna School District
1330 South Knott Avenue
Anaheim, CA 92804
Attn: Jim Harris

School District	Board Approval Date
Ocean View School District	N/A
Orange Unified School District	June 2012
Placentia-Yorba Linda Unified School District	June 2012
Saddleback Valley Unified School District	
Santa Ana Unified School District	
Savanna School District	
Tustin Unified School District	N/A
Westminster School District	



Fountain Valley School District

Personnel Commission

10055 Slater Avenue, Fountain Valley, CA 92708 (714) 843-3228 www.fvsd.k12.ca.us

Memorandum

DATE: October 1, 2012

TO: Marc Ecker, Superintendent

FROM: Ross Hessler, Human Resources Director

SUBJECT: REAPPOINTMENT OF WILLIAM MULLIN AS BOARD APPOINTEE TO
THE PERSONNEL COMMISSION

Background:

The three-year term of Mr. William Mullin as the Board of Trustees appointee to the Personnel Commission is due to expire at the end of November, 2012. Mr. Mullin is interested in continuing in this role if it is in the interest of the Board. He has been on the Commission since December 1, 1988.

Per Education Code sections 45245-45246, the Board “must publicly announce the name of the person it intends to appoint or reappoint.” I am requesting that the reappointment be considered at the October 18, 2012, meeting of the Board of Trustees.

Recommendation:

It is recommended that the Board of Trustees approve William Mullin’s reappointment to the Personnel Commission as Board Appointee for a three-year term, December 1, 2012 through November 30, 2015.

Board meeting of October 18, 2012

SO: 2012-13/B13-11
Fountain Valley School District
Superintendent's Office

M E M O R A N D U M

TO: Board of Trustees
FROM: Marc Ecker, Superintendent
SUBJECT: **Williams Uniform Complaint Quarterly Report
(Quarter #1: July 1 to September 30, 2012)**
DATE: October 12, 2012

Background:

Education Code mandates that a school district shall report summarized data on the nature and resolution of all Williams Uniform Complaints on a quarterly basis to the county superintendent of schools. This report shall be publicly agendaized at a regular board meeting. Complaints and written responses shall be available as public records.

The Williams Litigation Settlement mandates that the district shall use certain procedures to investigate and resolve specific complaints that fall within three specific categories.

- **Instructional materials**
- **Teacher vacancy or misassignment**
- **Facilities**

Williams Quarterly Report: July 1 to September 30, 2012
The District received no complaints in any of the categories.

Recommendation:

It is recommended that the Board of Trustees receive and approve the Williams Quarterly Report for the first quarter of the 2012-13 year and approve its submittal to the Orange County Department of Education.



2012-2013 Quarterly Report on Williams Uniform Complaints (Required by Education Code Section 35186)

District: Fountain Valley School District

Person completing this form: Marc Ecker, Ph.D.

Title: Superintendent

- | | | |
|--|--------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> Quarter #1 | July 1 to September 30, 2012 | Report due by October 31, 2012 |
| <input type="checkbox"/> Quarter #2 | October 1 to December 31, 2012 | Report due by January 31, 2013 |
| <input type="checkbox"/> Quarter #3 | January 1 to March 31, 2013 | Report due by April 30, 2013 |
| <input type="checkbox"/> Quarter #4 | April 1 to June 30, 2013 | Report due by July 31, 2013 |

Date information will be reported publicly at governing board meeting: October 18, 2012

Please check the box that applies:

- ☒ No complaints were filed with any school in the district during the quarter indicated above.
- ☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials			
Teacher Vacancies or Misassignments			
Facility Conditions			
CAHSEE Intensive Instruction & Services (High school districts only)			
TOTALS			

Print name of Superintendent: Marc Ecker, Ph.D.

Signature of Superintendent:

Date: 10/18/2012

Please submit to:

Suzie Strelecki
Senior Administrative Assistant
200 Kalmus Drive, B-1009
P.O. Box 9050, Costa Mesa, CA 92628-9050
(714) 966-4336 or fax to: (714) 549-2657

SO 2012-13/B13-12
Fountain Valley School District
SUPERINTENDENT'S OFFICE

M E M O R A N D U M

TO: Board of Trustees
FROM: Rina Hansen, Executive Assistant
SUBJECT: **Selection of Date of Annual Organizational Meeting**
DATE: October 9, 2012

Background

The provisions of Education Code Sections 35143 and 72000 require the governing board of each school district and community college district to hold an annual organizational meeting within a prescribed 15-day period. For 2012, this period is from December 7 through December 21. The law further requires that unless otherwise provided by rule of the governing board, the day and time of the annual organizational meeting shall be selected by the board at its regular meeting held immediately prior to the first day of the 15-day period.

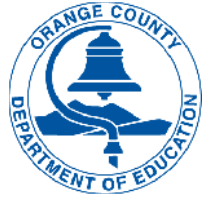
Board Bylaw 9100 of the Board of Trustees also addresses the Annual Organizational Meeting and states, "the Board shall hold an annual organizational meeting within the time limits prescribed by law."

Recommendation

It is recommended that the Board of Trustees select Thursday, December 13, 2012 as the date of the annual organizational meeting. The meeting shall begin at 7pm.

Print Form

Submit Form by Email



Orange County Department of Education
200 Kalmus Drive
Costa Mesa, CA
92626

Date: October 18, 2012

In accordance with Education Code Sections 35143 and 72000, the governing board of each school district, community college district, or regional occupational program must hold an annual organizational meeting within a prescribed 15-day period commencing with the first day of the term of office following the November election. For 2012, this 15-day period runs December 7th through December 21st. Further, the Education Code requires each governing board to notify the county superintendent of schools of the day and time selected for the organizational meeting.

Please return this form with the information below by Thursday, November 29th to:

Rosalee Hormuth, Manager Business Services
Orange County Department of Education
200 Kalmus Drive, Costa Mesa, CA 92626
rhormuth@ocde.us
Phone: (714) 966-4234
Fax: (714) 662-3570

Organizational Meeting Information

District Name: Fountain Valley School District

Meeting Date: December 13, 2012

Meeting Time: 7:00pm

District Contact Information

Name: Marc Ecker, Ph.D.

Title: Superintendent

Phone: (714) 843-3255

Email: eckerm@fvsd.us

FOUNTAIN VALLEY SCHOOL DISTRICT
Curriculum/Instruction

M E M O R A N D U M

To: Marc Ecker, Ph.D., Superintendent

From: Anne Silavs, Assistant Superintendent, Instruction

Subject: ***ACCEPTANCE OF 2012-2013 MEMO OF UNDERSTANDING BETWEEN THE ORANGE COUNTY DEPARTMENT OF EDUCATION AND THE FOUNTAIN VALLEY SCHOOL DISTRICT FOR THE BEGINNING TEACHER SUPPORT AND ASSESSMENT SYSTEM (BTSA)/INDUCTION PROGRAM CONSORTIUM ~ AGREEMENT NUMBER: 38694***

Date: October 1, 2012

BACKGROUND

The Orange County Superintendent of Schools, hereinafter referred to as SUPERINTENDENT, and Fountain Valley School District, hereinafter referred to as “participating school district”, and Azusa Pacific University, Chapman University, Concordia University and California State University, Fullerton, hereinafter referred to as “Participating Institution of High Education (IHE)”, form a Consortium to implement the Orange County Induction Program. Consortium members shall include but not be limited to the following participating school districts: Centralia School District, Cypress School District, Fountain Valley School District, Laguna Beach Unified School District, Los Alamitos Unified School District, Magnolia School District, Newport-Mesa Unified School District, Orange County Educational Arts Academy, Orange County School of the Arts, Orange County Department of Education’s Alternative, Community & Correctional Education Schools and Services (ACCESS) Program, Oxford Preparatory Academy, Pacific Technology Charter School, Savanna School District, and the participating schools enrolled through the Private Schools’ Collaborative. The purpose of this MOU is to establish a formal working relationship between the parties to this MOU and to set forth the operating conditions that will govern the BTSA/Induction Program Consortium. The goal of the BTSA/Induction Program Consortium is to provide quality professional development and support to participating school district first-year and second-year teachers and their mentors. Collaboration among consortium members supports the success of teachers entering the profession by increasing their proficiency, building their confidence, and inspiring their lifelong learning through an enriched and collaborative support system. The members of the consortium support the program financially with in-kind contributions reflected through personnel involvement, facility use and other activities as appropriate. The overall purpose of their contributions and financial support is to provide rigorous training programs and other implementation activities. The Orange County Department of Education serves as the Local Educational Agency for the consortium and assumes responsibility for implementation, fiscal monitoring, and evaluation.

Per SB 2042, the BTSA Program transitioned to an Induction Program. Teachers with Preliminary Teaching Credentials are now required to participate in a state approved Induction Program.

Successful completion of an approved Induction Program is necessary to apply for a Professional Clear Teaching Credential as of December 31, 2003.

The success of the project is fostered through a collaborative Consortium process supported by the BTSA/Induction Program Advisory Committee. This committee consists of a program director from the Orange County Department of Education, a program coordinator from each of the school districts, and a program liaison from the four institutions of higher education.

RECOMMENDATION

It is recommended that the Board of Trustees approve the 2012-2013 Memorandum of Understanding between the Orange County Department of Education and Fountain Valley School District for the Orange County Department of Education Beginning Teachers Support and Assessment (BTSA) / Induction Program Consortium to continue the implementation of the BTSA program.

**Orange County Superintendent of Schools
Institute for Leadership Development**

Orange County Superintendent of Schools BTSA/Induction Program

**MEMORANDUM OF UNDERSTANDING
2012-2013**

This Memorandum of Understanding (MOU) is entered into this 1st day of July, 2012, by and between the Orange County Superintendent of Schools, hereinafter referred to as SUPERINTENDENT, and Fountain Valley School District, hereinafter referred to as "participating school district", and Azusa Pacific University, Chapman University, Concordia University and California State University, Fullerton hereinafter referred to as "Participating Institution of High Education (IHE)", to form a Consortium to implement the Orange County Induction Program.

A. PURPOSE

The purpose of this MOU is to establish a formal working relationship between the parties to this MOU and to set forth the operating conditions that will govern the BTSA/Induction Program Consortium. Consortium members shall include but not be limited to the following participating school districts: Centralia School District, Cypress School District, Fountain Valley School District, Laguna Beach Unified School District, Los Alamitos Unified School District, Magnolia School District, Newport-Mesa Unified School District, Orange County Educational Arts Academy, Orange County School of the Arts, Orange County Department of Education's Alternative, Community & Correctional Education Schools and Services (ACCESS) Program, Oxford Preparatory Academy, Pacific Technology Charter School, Savanna School District, and the participating schools enrolled through the Private Schools' Collaborative.

B. GOALS

The goal of the BTSA/Induction Program Consortium is to provide quality professional development and support to participating school district first-year and second-year teachers and their mentors.

C. PARAMETERS

1. The term of this MOU shall commence on July 1, 2012 and end on June 30, 2013.
2. Contract monitoring responsibilities for this MOU shall rest with the SUPERINTENDENT.

D. RESPONSIBILITIES – General

1. The BTSA/Induction Program Advisory Council is comprised of a senior level administrator from each participating school district and charter school, a representative from the Private Schools' Collaborative, a representative from each of

the participating Institution of Higher Education (IHE), and the SUPERINTENDENT's Induction Program Coordinator. Responsibilities of the Advisory Council are as follows:

- a. Meet a minimum of three (3) times during the term of this MOU to review the design and implementation of the Induction Program.
 - b. Provide operational leadership for the BTSA/Induction Program.
 - c. Submit required reports and documents, as required, to the BTSA/Induction Program Coordinator.
2. SUPERINTENDENT agrees to the following:
- a. Serve as Lead Educational Agency (LEA) of the Consortium.
 - b. Serve as the fiscal agent.
 - c. Serve as a contact among state agencies, participating school districts, participating charter schools, private schools participating through the Private School Collaborative and participating IHE's.
 - d. Serve as a clearinghouse for information, data collection and reporting requirements.
 - e. Employ a full-time Program Coordinator and an administrative assistant to provide direction and support for the BTSA/Induction Program.
 - f. Provide administration, management and coordination of project activities as described in the BTSA/Induction Program Standards and guidelines of SB 2042.
 - g. Provide workspace for the BTSA/Induction Program Coordinator and secretarial support.
 - h. Provide Formative Assessment System (FAS) program materials to each participating school's Mentors assigned to a Participating Teacher, and to all Participating Teachers enrolled in the OCDE BTSA/Induction Program.
 - i. Provide professional development and support to all Year 1 and Year 2 Participating Teachers enrolled in the OCDE BTSA/Induction Program.
 - j. Reimbursement for three (3) substitute days per participating teacher not to exceed the sum of Two Hundred dollars (\$200) per substitute day.
 - k. Provide Formative Assessment System (FAS) training(s) for one (1) lead mentor from each school district/collaborative, for Mentors assigned to participating teachers, and for those individuals identified by the Program Coordinator as future Induction Program leaders. Mentors attending the training that is offered during

the summer will receive compensation at a rate of \$200 per day of training. In the event a Mentor is unable to attend the summer training, make-up sessions will be offered during September, 2012. Four additional all-day trainings will be planned throughout the Fall, 2012. The OCDE BTSA/Induction Program will reimburse the participating school/district for substitute coverage at rate of \$200 per substitute day in lieu of compensation to the Mentor for participation in this required training.

- l. Coordinate and provide professional development opportunities for Mentors, including four, after-school Mentor Forums. Upon satisfying the required participation in all Mentor Forums, each Mentor will receive \$200. Finally, all New Mentors will be required to attend one, after-school *Creating Bias-Free Classroom* session. Upon satisfying this requirement, each New Mentor will receive an additional \$50.
- m. Upon completion of their responsibilities defined in the Mentor Agreement, each mentor will be paid a stipend in the amount of One thousand five hundred dollars (\$1,500) per Participating Teacher served. Should a participating teacher or mentor leave the Consortium prior to the end of the school year, the stipend due to the Mentor shall be prorated. If the Participating Teacher or Mentor leaves the Consortium after December 15, 2012, but before March 1, 2013, the Mentor will receive a stipend in the amount of Five hundred dollars (\$500) per Participating Teacher. If the Participating Teacher or Mentor leaves the consortium after March 1, 2013, but before May 1, 2013, the Mentor will receive a stipend in the amount of One thousand dollars (\$1,000) per Participating Teacher.
- n. Provide each participating school district/collaborative Lead Mentor a stipend based on the number of Participating Teachers for which they have oversight responsibilities to the scale as represented below:

1-4	Participating Teachers	\$1, 500.00
5-9	Participating Teachers	\$2, 000.00
10 -15	Participating Teachers	\$3, 000.00
16 - 20	Participating Teachers	\$3, 500.00
21 - 25	Participating Teachers	\$4, 000.00
26 - 30	Participating Teachers	\$4, 500.00
31 – 35	Participating Teachers	\$5, 000.00

Should a participating school district not have any Participating Teachers enrolled in the OCDE/BTSA/Induction program during the term of the MOU, the school district lead mentor will receive a stipend of Nine hundred dollars (\$900) based on the oversight responsibilities as represented below:

\$600.00	-To attend ten monthly Lead Mentor Meetings
\$120.00	-To attend four Mentor Forums
\$100.00	-Oversee Mentor Cadre
\$ 80.00	-To facilitate Mentor Forums and/or

Supplemental training

- o. Provide training for participating school Site Administrators to acquaint them with the California Standards for the Teaching Profession (CSTP), Formative Assessment System (FAS), the Institute for Leadership Development's identifies Candidate Competencies and the Induction Standards of SB 2042.
- p. Establish an Assessor Cadre to review and assess candidate competence as measured by specific program assessments. Interested Mentors will complete an application that includes the endorsement of the Site Administrator. The Program Coordinator will screen the applications to identify the cadre members. Selected assessors will participate in no more than four assessment days during the program year. The OCDE BTSA/Induction Program will reimburse the participating school for substitute coverage at rate of \$200 per substitute day.
- q. Convene and facilitate the BTSA/Induction Program Advisory Council meetings.
- r. Organize and facilitate BTSA/Induction Program evaluation. Establish and maintain accurate records for the BTSA/Induction Program. Submit required reports and documents to appropriate agencies as requested.

3. PARTICIPATING SCHOOL DISTRICTS agree to do the following:

- a. Identify a senior level administrator with decision making authority to serve on the BTSA/Induction Program Advisory Council to support policy decisions made by the Council regardless of whether they are present during the decision making process.
- b. Identify a Lead Mentor to attend appropriate meetings, monitor FAS implementation and complete required paperwork in a timely manner.
- c. Recruit and select eligible Participating Teachers according to state criteria for eligibility. Those individuals responsible for the initial eligibility screening are current in their understanding of CTC regulations and procedures.
- d. Conduct an orientation meeting for Year 1 Participating Teachers following the OCDE BTSA/Induction Program orientation protocol.
- e. Ensure that all Participating Teachers participate in appropriate training(s).
- f. Assist the Program Coordinator in the recruitment and selection of Mentors according to the established OCDE BTSA/Induction Program criteria and process.
- g. Ensure that all Mentors understand the requirements of the BTSA/Induction Program as defined for Participating Teachers and Mentors.
- h. Ensure that all Mentors attend FAS training sessions, Mentor Forums and other required professional development events.

- i. Provide training space when requested by SUPERINTENDENT as part of their collaborative contribution.
 - j. Participate in the evaluation of SB 2042 standards of the Induction Program.
 - k. Ensure that all Site Administrators participate in the following: Triad Meetings, Annual Site Administrator Update Session, Exit Presentations, End-of-Year Colloquium and all program evaluations.
4. PARTICIPATING INSTITUTIONS OF HIGHER EDUCATION (IHE) agree to the following:
- a. Appoint a liaison who will fulfill the roles and responsibilities of a university program co-sponsor as specified in the Program Standards.
 - b. Require the liaison to serve as an advisor to the BTSA/Induction Program Advisory Council and attend all Advisory Council meetings.
 - c. Provide current research regarding effective teacher induction practices, teacher retention, and BTSA/Induction Program standards as requested by the Induction Program Advisory Council.
 - d. Participate in the development, assessment, and evaluation of the Induction Program.
 - e. Provide information to Consortium participants regarding university program opportunities as appropriate.
 - f. Facilitate appropriate support services as identified by the BTSA/Induction Program Advisory Council and Consortium.

E. RESPONSIBILITIES – Fiscal

1. SUPERINTENDENT, in its capacity of LEA, agrees to the following:
- a. Assume overall fiscal responsibility for the administration of the grant funds, to include submission of year-end expenditure reports, and any other documentation sought by the California Department of Education (CDE) and/or the Commission on Teacher Credentialing (CTC).
 - b. Develop and maintain a budget that allocates funds sufficient to meet the costs of implementing program requirements as described above.
 - c. Monitor all budget expenditures and funds accordingly to established policies and procedures outlined by the funding agency.

- d. Pay the participating school district for services satisfactorily rendered pursuant to this MOU provided the participating school district's costs are actual allowable costs incurred. The participating school district will be paid pursuant to this MOU based on the final confirmed numbers issued by California Department of Education after December 1, 2012. Payment shall be made upon receipt of an itemized invoice in duplicate. SUPERINTENDENT shall not allocate any payment of funds until the participating school district has completed and submitted the required State and Program documentation.
- e. If funding is available, provide reimbursement not to exceed Ten dollars (\$10.00) per Participating Teacher and Mentor in each participating school district/collaborative for the end of the year colloquium.
- f. The obligation of SUPERINTENDENT under this MOU is contingent upon the availability of funds furnished by the State of California. In the event that such funding is terminated or reduced, this MOU may be terminated and SUPERINTENDENT'S fiscal obligations hereunder shall be limited to a pro rated amount of funding actually received by the SUPERINTENDENT under the grant. SUPERINTENDENT shall provide the participating school district written notification of such termination. Notice shall be deemed given when received by the participating school district or no later than three (3) days after the day of mailing, whichever is sooner. The address to which notices or demands may be given to either party may be changed by written notice given in accordance with the notice provisions of this section. As of the date of this MOU, the addresses of the parties are as follows:

SCHOOL DISTRICT: Fountain Valley School District
10055 Slater Avenue
Fountain Valley, California 92708
Attn: Anne Silavs, Asst. Supt.,
Curriculum and Instruction

SUPERINTENDENT: Orange County Superintendent of Schools
200 Kalmus Drive
Costa Mesa, California 92626
Attn: Patricia McCaughey

F. SHARED ACCOUNTABILITY

1. In order to ensure that all participating teachers have the opportunity to participate in program activities, SUPERINTENDENT and the Participating School Districts agree to the following:
 - a. Develop strong communication links among all parties to this MOU, so that all information distributed is accurate and timely.
 - b. Distribute documentation regarding the roles and responsibilities of Participating Teachers, Mentors, and school site administrators annually.

- c. Partner to provide training for ALL consortium school site administrators on the BTSA/Induction Program Standards, CSTP, and FAS.
- d. Collaborate in stakeholder meetings with participating teachers and mentors to make program recommendations and revisions.
- e. Jointly develop and maintain records and documentation of activities/trainings conducted by the BTSA/Induction Program.

G. TERMS AND CONDITIONS.

1. Any and all products developed for the Orange County BTSA/Induction Program are the exclusive property of the Orange County Superintendent of Schools and the right to disseminate, market, or otherwise use the products shall only be with the express prior written permission of the SUPERINTENDENT.
2. Either party may terminate this MOU, with or without cause, upon thirty (30) days written notice served upon the other party. Notice shall be deemed given when received by the other party, no later than three (3) days after the day of mailing, whichever is sooner.

Orange County Superintendent of Schools

By: 
Authorized Signature

Printed Name: Patricia McCaughey

Title: Coordinator

Date: September 21, 2012

Fountain Valley School District

By: _____
Authorized Signature

Printed Name: Anne Silavs

Title: Assistant Superintendent,
Curruculum and Instruction

Date: _____



FOUNTAIN VALLEY SCHOOL DISTRICT
Curriculum/Instruction

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Anne Silavs, Assistant Superintendent, Instruction
SUBJECT: ***REVISION TO BOARD POLICY 1250 VISITORS/OUTSIDERS
(SECOND READING)***
DATE: October 10, 2012

BACKGROUND INFORMATION

In the continued effort to maintain a set of current Board Policies, it is necessary to bring certain policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Board Policy 1250 has been updated to include a 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.

The revised policy was presented to the Board of Trustees for first reading on September 27, 2012.

RECOMMENDATION

It is recommended that revisions to Board Policy 1250 Visitors/Outsiders be adopted by the Board of Trustees.

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 encourages interested parents/guardians and community members to visit the schools and participate in 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 arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

(cf. 6116 - Classroom Interruptions)

The term “visitor” is a generic term to include parents/guardians of students enrolled at a school, district or public employees required to be at school, representatives of a school employee organization, members of the media, or elected public officials

The term “outsider” shall include all other individuals.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

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

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)

VISITORS/OUTSIDERS (continued)

(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.4th 652

ATTORNEY GENERAL OPINIONS

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

Policy
adopted:

FOUNTAIN VALLEY SCHOOL DISTRICT
Fountain Valley, California

VISITORS/OUTSIDERS

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

Procedures for Visiting School Grounds

Immediately upon entering any school building or grounds, any person other than a district employee shall, when school is in session, report his/her presence and the reason for visiting to the staff on duty in the school office. The principal may make an exception to this rule due to special campus events.

Visitors and outsiders shall identify themselves and state the reason for their visit. Any person asked to leave by the principal or designee shall promptly comply.

Fountain Valley School District stipulates that any loitering about a district school by any person is prohibited. (Penal Code 653) The Fountain Valley School District declares that loitering is defined as being within 1,000 feet of a school. (Penal Code 626.8)

School administrators may require members of the news media to follow reasonable conditions while on school grounds in order to prevent interference with orderly activities at the school.

Procedures for Classroom Visits

The following procedures shall be followed concerning classroom visits by persons other than district employees:

1. All visits must be arranged in advance with the teacher and/or principal.
2. All visitors are required to report their presence to the school office prior to going to any classroom, school building or grounds.
3. In elementary schools, the length of a visit may not exceed 30 minutes per classroom daily unless waived by the principal.

VISITORS/OUTSIDERS (continued)

4. In middle schools, the length of a visit may not exceed one class period unless waived by the principal.
5. For purposes of school safety and security, the principal or designee shall design a visible means of identification for visitors while on school premises.
6. Visits may not exceed two times per month unless special circumstances merit additional days and are approved by the principal.
7. Any parent or guardian who has been denied access to their child by either the police or a court order shall not be permitted to visit any classroom and will be asked to leave the school premises.
8. No electronic listening or recording device may be used by visitors or students in a classroom without the teacher's and principal's permission. (Ed.Code 51512)
9. No parent-teacher conference may be held during scheduled classroom instructional time without the agreement of the teacher.

(cf 1112 – Media relations)

(cf. 3515.2 – Disruptions)

(cf. 5112.5 – Open/Closed Campus)

(cf. 5144 – Discipline)

School Principals shall

1. Inform teachers and staff of the policy and procedures for school/campus visitations at the beginning of each school year.
2. If a parent request for a school visit comes to the school office or principal, the principal shall inform the parent of the policy and procedures.
3. If the request comes to the classroom teacher or other staff member, that person shall inform the principal of the request. The principal shall inform the parent of the policy and procedures.
4. If the parent requests any waiver or exception to the policy, the request must be made to the principal who shall make a determination and communicate the decision to the teacher.

VISITORS/OUTSIDERS (continued)

5. These procedures are not applicable to authorized school volunteers or district personnel.

Registration Procedures for Outsiders

Outsiders shall register upon entering school premises during school hours. Any person other than the following is considered an outsider: (Evidence Code 1070; Penal Code 627.1, 627.2)

- a. A student currently enrolled at the school, unless currently under suspension.
- b. A parent/guardian of a student at the school.
- c. A member of the Board of Trustees or district employee.
- d. A public employee whose employment requires being on school grounds, or any person on the grounds at the request of the school.
- e. A representative of a school employee organization who is engaged in activities related to the representation of school employees.
- f. An elected public official.
- g. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station.

(cf 1112 – Media relations)

In order to register, outsiders shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. Name, address, and occupation
2. Age, if under age 21
3. The purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

Principal's Registration Authority

The principal or designee may refuse to register any outsider if the administrator reasonably concludes that the outsider's presence or acts would disrupt the school, students or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee may revoke an outsider's registration if the administrator has a reasonable basis for concluding that the outsider's presence on school grounds would interfere or is interfering with the peaceful

VISITORS/OUTSIDERS (continued)

conduct of school activities or would disrupt or is disrupting the school, students or staff. (Penal Code 627.4)

*(cf. 3515 (a) – Campus Security
(cf. 3515.2 – Disruptions)*

When an outsider fails to register, or when the principal or designee denies or revokes an outsider's registration privileges, the principal or designee may request that the individual promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration at a school or whose registration is revoked may appeal to the Superintendent or principal by submitting within five days of the person's departure from the school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of said request, the Superintendent or principal shall promptly mail a notice of the hearing to the person making the request. The hearing, held before the Superintendent or principal, shall occur within seven days after receipt of the request. (Penal Code 627.5)

*(cf. 1312.1 – Complaints Concerning District Employees)
(cf. 1312.3 – Uniform Complaint Procedures)*



FOUNTAIN VALLEY SCHOOL DISTRICT
Curriculum/Instruction

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Anne Silavs, Assistant Superintendent, Instruction
SUBJECT: ***REVISION TO BOARD POLICY 3515.2 DISRUPTIONS (SECOND READING)***
DATE: October 10, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring certain policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Board Policy 3515.2 has been revised in response to the passage of AB 123, a new law 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 kindergarten through grade eight. The revised documents reflect changes in law.

The revised policy was presented to the Board of Trustees for first reading on September 27, 2012.

RECOMMENDATION

It is recommended that revisions to Board Policy 3515.2 Disruptions be adopted by the Board of Trustees.

DISRUPTIONS

The Board of Trustees is committed to providing a safe environment for district students, staff, and others while they are on district property or engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal district or school operations, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4158/4258/4358 - Employee Security)

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

(cf. 5131.4 - Student Disturbances)

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Safe School Zone

Possession of a firearm within 1000 feet of any district school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.

DISRUPTIONS (continued)

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting, misdemeanor
32211 Threatened disruption or interference with classes; misdemeanor
35160 Authority of governing boards
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48902 Notification of law enforcement authorities
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property
415.5 Disturbance of peace of school
626-626.11 Schools, crimes, especially:
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
626.8 Disruptive presence at schools
626.81 Misdemeanor for registered sex offender to come onto school grounds
626.85 Misdemeanor for specified drug offender presence on school grounds
626.9 Gun Free School Zone Act
627-627.10 Access to school premises
653b Loitering about schools or public places
12556 Imitation firearms

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652
In Re Joseph F., (2000) 85 Cal.App.4th 975
In Re Jimi A., (1989) 209 Cal.App.3d 482
In Re Oscar R., (1984) 161 Cal. App.3d 770

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

DISRUPTIONS

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if:

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. (Education Code 44810, 44811; Penal Code 626.7)
2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave. (Penal Code 653b)
4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81)

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.5 - Sex Offender Notification)

5. The person is a specified drug offender as defined in Penal Code 626.85 and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. (Penal Code 626.85)
6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. (Penal Code 626.8)
7. The person has otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

(cf. 1240 - Volunteer Assistance)

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 6145.2 - Athletic Competition)

DISRUPTIONS (continued)

The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she:

1. Fails to leave or remains after being directed to leave (Penal Code 626.7, 626.8, 626.85)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)

Appeal Procedure

Any person who is asked to leave a public school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day

after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Board of Trustees. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular public meeting. The Board's decision shall be final. (Education Code 32211)



FOUNTAIN VALLEY SCHOOL DISTRICT

10055 Slater Avenue • Fountain Valley, CA 92708 • (714)843-3200 • www.fvsd.k12.ca.us

Board Meeting of
October 18, 2012

Memorandum

TO: Marc Ecker, Superintendent

FROM: Julianne Hoefer, Director, Assessment and Accountability

DATE: October 3, 2012

SUBJECT: Revision to Board Policy 6020: Parent Involvement (Second Reading)

Background

In the continued effort to maintain a set of current board policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The district is informed of such changes by the California School Boards Association or Orange County Department of Education, through alerts to districts regarding mandated changes.

This board policy/administrative regulation revision brings the district into compliance with Federal Elementary and Secondary Education Act (ESEA) legislation and Education Code 11504 which mandate a policy for parent involvement. In order for the District to receive Title I, Part A funding, the District must keep a current policy in place.

The policy was presented to the Board of Trustees for first reading on September 27, 2012.

Recommendation:

It is recommended that Board Policy 6020: Parent Involvement be adopted by the Board of Trustees.

PARENT INVOLVEMENT

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(cf. [0420](#) - *School Plans/Site Councils*)
(cf. [0420.1](#) - *School-Based Program Coordination*)
(cf. [0520.2](#) - *Title I Program Improvement Schools*)
(cf. [1220](#) - *Citizen Advisory Committees*)
(cf. [1230](#) - *School-Connected Organizations*)
(cf. [1240](#) - *Volunteer Assistance*)
(cf. [1250](#) - *Visitors/Outsiders*)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. [5020](#) - *Parent Rights and Responsibilities*)
(cf. [5145.6](#) - *Parental Notifications*)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

(cf. [0500](#) - *Accountability*)

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code [11503](#))

(cf. [6171](#) - *Title I Programs*)

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC [6318](#). (20 USC [6318](#))

PARENT INVOLVEMENT (continued)

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC [6318](#))

(cf. [3100](#) - Budget)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC [6318](#).

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code [11502](#). (Education Code [11504](#))

Legal Reference:

EDUCATION CODE

[11500-11506](#) Programs to encourage parent involvement

[48985](#) Notices in languages other than English

[51101](#) Parent rights and responsibilities

[64001](#) Single plan for student achievement

LABOR CODE

[230.8](#) Time off to visit child's school

UNITED STATES CODE, TITLE 20

[6311](#) Parental notice of teacher qualifications and student achievement

[6312](#) Local educational agency plan

[6314](#) Schoolwide programs

[6316](#) School improvement

[6318](#) Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.104](#) Definitions, auxiliary aids and services

[35.160](#) Communications

Management Resources:

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Parental Involvement: Title I, Part A, April 23, 2004

PARENT INVOLVEMENT (continued)

WEB SITES

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

California Department of Education, Family, School, Community Partnerships: <http://www.cde.ca.gov/ls/pf>

California Parent Center: <http://parent.sdsu.edu>

California State PTA: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National PTA: <http://www.pta.org>

No Child Left Behind: <http://www.ed.gov/nclb>

Parent Information and Resource Centers: <http://www.pirc-info.net>

Parents as Teachers National Center: <http://www.parentsasteachers.org>

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

PARENT INVOLVEMENT**District Strategies for Title I Schools**

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC [6312](#) and the process of school review and improvement pursuant to 20 USC [6316](#) (20 USC [6318](#))

(*cf.* [6171](#) - *Title I Programs*)

The Superintendent or designee may:

- a. Establish a district-level committee including parent/guardian representatives from each school site to review and comment on the LEA plan in accordance with the review schedule established by the Governing Board
- b. Invite input on the LEA plan from other district committees and school site councils

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

(*cf.* [1220](#) - *Citizen Advisory Committees*)

- c. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the LEA plan and the opportunity to provide input
 - d. Provide copies of working drafts of the LEA plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand
 - e. Ensure that there is an opportunity at a public Board meeting for public comment on the LEA plan prior to the Board's approval of the plan or revisions to the plan
 - f. Ensure that school-level policies on parent involvement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans
2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC [6318](#))

The Superintendent or designee may:

- a. Provide training for the principal or designee of each participating school regarding Title I requirements for parent involvement, leadership strategies, and

PARENT INVOLVEMENT (continued)

- communication skills to assist him/her in facilitating the planning and implementation of parent involvement activities
 - b. Provide ongoing district-level workshops to assist school site staff and parents/guardians in planning and implementing improvement strategies, and seek input from parents/guardians in developing the workshops
 - c. Provide information to schools about the indicators and assessment tools that will be used to monitor progress
3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC [6318](#))

The Superintendent or designee shall: (20 USC [6318](#))

- a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children
 - (cf. [6011](#) - Academic Standards)
 - (cf. [6162.5](#) - Student Assessment)
 - (cf. [6162.51](#) - Standardized Testing and Reporting Program)
 - (cf. [6162.52](#) - High School Exit Examination)
- b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
- c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools
 - (cf. [4131](#) - Staff Development)
 - (cf. [4231](#) - Staff Development)
 - (cf. [4331](#) - Staff Development)
- d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with public preschool and other programs, and conduct other activities that encourage and support parents/guardians in more fully participating in their children's education

PARENT INVOLVEMENT (continued)

- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent involvement activities as parents/guardians may request

In addition, the Superintendent or designee may:

- a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training
 - b. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training
 - c. Pay reasonable and necessary expenses associated with parent involvement activities, including child care costs to enable parents/guardians to participate in school-related meetings and training sessions
 - d. Train parents/guardians to enhance the involvement of other parents/guardians
 - e. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct online conferences between parents/guardians and teachers or other educators who work directly with participating students
 - f. Adopt and implement model approaches to improving parent involvement
 - g. Establish a districtwide parent advisory council to provide advice on all matters related to parent involvement in Title I programs
 - h. Develop appropriate roles for community-based organizations and businesses in parent involvement activities
 - i. Make referrals to community agencies and organizations that offer literacy training, parent education programs, and/or other services that help to improve the conditions of parents/guardians and families
- (cf. 1020 - Youth Services)*
- j. Provide a master calendar of district activities and district meetings
 - k. Provide information about opportunities for parent involvement through the district newsletter, web site, or other written or electronic means

PARENT INVOLVEMENT (continued)

- l. Engage parent-teacher organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions

(cf. 1230 - School-Connected Organizations)

- m. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians as needed
- n. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions
- o. Regularly evaluate the effectiveness of staff development activities related to parent involvement

4. Coordinate and integrate Title I parent involvement strategies with public preschool and other programs (20 USC [6318](#))

(cf. [6300](#) - Preschool/Early Childhood Education)

The Superintendent or designee may:

- a. Identify overlapping or similar program requirements
 - b. Involve district and school site representatives from other programs to assist in identifying specific population needs
 - c. Schedule joint meetings with representatives from related programs and share data and information across programs
 - d. Develop a cohesive, coordinated plan focused on student needs and shared goals
5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC [6318](#))

The Superintendent or designee shall:

- a. Ensure that the evaluation includes the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC [6318](#))

PARENT INVOLVEMENT (continued)

- b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC [6318](#))
- c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code [11503](#))

The Superintendent or designee may:

- a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications
 - b. Gather and monitor data regarding the number of parents/guardians participating in district activities and the types of activities in which they are engaged
 - c. Recommend to the Board measures to evaluate the impact of the district's parent involvement efforts on student achievement
6. Involve parents/guardians in the activities of schools served by Title I (20 USC [6318](#))

The Superintendent or designee may:

- a. Include information about school activities in district communications to parents/guardians
- b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians with special needs
- c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC [6318](#))

(cf. [5145.6](#) - *Parental Notifications*)

PARENT INVOLVEMENT (continued)**School-Level Policies for Title I Schools**

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC [6318](#))

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation and child care may be provided as such services relate to parent involvement
3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:
 - a. Timely information about Title I programs
 - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

(cf. [5121](#) - Grades/Evaluation of Student Achievement)
(cf. [5123](#) - Promotion/Acceleration/Retention)
 - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district

PARENT INVOLVEMENT (continued)

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education

(cf. [1240](#) - *Volunteer Assistance*)

(cf. [5020](#) - *Parent Rights and Responsibilities*)

(cf. [5113](#) - *Absences and Excuses*)

(cf. [6145](#) - *Extracurricular/Cocurricular Activities*)

(cf. [6154](#) - *Homework/Makeup Work*)

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - 1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
 - 2) Trimester reports to parents/guardians on their children's progress
 - 3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above
8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC [6311](#)(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

PARENT INVOLVEMENT (continued)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC [6318](#))

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code [64001](#).

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school's policy to meet the changing needs of parents/guardians and the school. (20 USC [6318](#))

District Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society (Education Code [11502](#), [11504](#))

The Superintendent or designee may:

- a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
 - b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
 - c. Provide parents/guardians with information about students' class assignments and homework assignments
2. Inform parents/guardians that they may directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code [11502](#), [11504](#))

The Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment at home and to encourage good study habits

PARENT INVOLVEMENT (continued)

- b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing
 - c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees
3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities (Education Code [11502](#), [11504](#))

The Superintendent or designee may:

- a. Ensure that teachers provide trimester reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
- b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
- c. Provide information about parent involvement opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications
- d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
- e. Develop mechanisms to encourage parent/guardian input on district and school issues
- f. Identify barriers to parent/guardian participation in school activities, including parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
- g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care

The Superintendent or designee may:

- a. Include parent involvement strategies in school reform or school improvement initiatives
- b. Involve parents/guardians in school planning processes



FOUNTAIN VALLEY SCHOOL DISTRICT
Curriculum/Instruction

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Anne Silavs, Assistant Superintendent, Instruction
SUBJECT: ***REVISION TO BOARD POLICY 6145 EXTRACURRICULAR AND
COCURRICULAR ACTIVITIES (SECOND READING)***
DATE: October 10, 2012

BACKGROUND INFORMATION:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring certain policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Board Policy 6145 has been 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 waivers of the fee based upon need does not render the fee constitutional. Additionally, the Administrative Regulation was updated to add the section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.

The revised policy was presented to the Board of Trustees for first reading on September 27, 2012.

RECOMMENDATION

It is recommended that revisions to Board Policy 6145 Extracurricular and Cocurricular Activities be adopted by the Board of Trustees.

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

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

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

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity.

(5 CCR [4925](#))

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

Extra/cocurricular activities shall be supervised by district employees whenever they are conducted under the name of the district.

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

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period,

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)

including, but not limited to maintenance of a 2.0 grade point average on a 4.0 scale in all enrolled classes. (Education Code 35160.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

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

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

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

Student Conduct at Extracurricular/Cocurricular Events

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

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

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)

[35179](#) *Interscholastic athletics; associations or consortia*

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

[48930-48938](#) *Student organizations*

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

[350](#) *Fees not permitted*

[4900-4965](#) *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

[5531](#) *Supervision of extracurricular activities of pupils*

UNITED STATES CODE, TITLE 42

[2000h-2-2000h-6](#) *Title IX, 1972 Education Act Amendments*

COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**Definitions**

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:
 - a. The program is supervised or financed by the school district.
 - b. Students participating in the program represent the school district.
 - c. Students exercise some degree of freedom in either the selection, planning or control of the program.
 - d. The program includes both preparation for performance and performance before an audience or spectators.
2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

The Superintendent or designee may exempt from eligibility requirements extra/cocurricular activities or programs which are offered primarily for the student's academic or educational achievement.

Academic Standards for Participation:

To encourage and support academic excellence, the Board requires students in grades 6, 7 and 8 to maintain a 2.0 or "C" grade point average on a 4.0 scale in each trimester in order to participate in extra/cocurricular activities. If a student achieves less than a 2.0 GPA on a report card, there shall be a period of ineligibility until a trimester report card produces a GPA of 2.0 or above.

Behavioral Standards for Participation:

- A student may not receive a "U" in citizenship from two or more teachers.
- A suspension results in loss of eligibility for the duration of the trimester.
- A second suspension results in loss of eligibility for the remainder of the school year.
- Principals may place into effect additional conditions for participation.

The Board desires to balance the academic needs of students with the benefits they receive from participating in school activities. In implementing this policy, the Superintendent or designee shall help ineligible students regain eligibility.

(cf. 6164.5 - Student Study Teams)

Period of Ineligibility

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

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

(cf. 4212.5 - Criminal Record Check)

Regulation
approved:

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT
Fountain Valley, California



FOUNTAIN VALLEY SCHOOL DISTRICT

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Board Meeting of
October 18, 2012

Memorandum

TO: Marc Ecker, Superintendent

FROM: Julianne Hoefer, Director, Assessment and Accountability

DATE: October 3, 2012

SUBJECT: Revision to Board Policy 6174: Education for English Learners (Second Reading)

Background

In the continued effort to maintain a set of current board policies, it is necessary to bring policies to the Board of Trustees for revision due to changes in Education Code or statute. The district is informed of such changes by the California School Boards Association or Orange County Department of Education, through alerts to districts regarding mandated changes.

This board policy/administrative regulation revision more clearly delineates policy related to English learners with regards to waivers, reclassification/redesignation, and advisory committees.

The policy was presented to the Board of Trustees for first reading on September 27, 2012.

Recommendation:

It is recommended that Board Policy 6174: Education for English Learners be adopted by the Board of Trustees.

EDUCATION FOR ENGLISH LEARNERS

The Board of Trustees intends to provide English language learners with a challenging curriculum and instruction that develops proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the district's academic standards.

The District's program shall be based on sound instructional theory and shall be adequately supported so that English language learners can achieve results at the same academic level as their English proficient peers in the regular course of study.

The Board of Trustees encourages staff to exchange information with staff in other districts and the county office of education about programs, options and strategies for English learners that succeed under various demographic conditions.

The Superintendent or designee shall maintain procedures which provide for the identification, assessment and placement of English learners and for their redesignation based on criteria adopted by the Board of Trustees and specified in administrative regulations.

To evaluate program effectiveness, the Superintendent or designee shall regularly examine program results, including reports of the English language learners' academic achievement, their progress towards proficiency in English and the progress of students who have been redesignated as fluent English proficient. The Superintendent or designee shall annually report these findings to the Board and shall also provide the Board with regular reports from any district or schoolwide English learner advisory committees.

(cf. 6190 - Evaluation of the Instructional Program)

Type of Instruction

Students who are English language learners shall be educated through "sheltered English immersion" or "structured English immersion" during a temporary transition period not normally intended to exceed one year. "Nearly all" of the classroom instruction in the District's structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. "Nearly all" allows for clarification, explanation, and support, as needed, in a student's primary language. (Education Code 305,306)

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or any locally developed assessments and using other criteria developed by the district, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is "overwhelmingly" in English. (Education Code 305; 5 CCR 11301)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

An English language learner has acquired a "reasonable level of English proficiency" when he/she has a performance level score of Intermediate, Early Advanced, or Advanced on the California English Language Development Test (CELDT).

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6171 - Title I Programs)

Upon the request of his/her parent/guardian, a student shall be placed in an English language mainstream classroom. (5 CCR 11301)

Parental Exception Waivers

At any time during the school year, the parent/guardian of an English language learner may have his/her child moved into an English language mainstream program.

Parent/guardian requests for waivers from Education Code 305 regarding placement in a sheltered English immersion program shall be granted in accordance with law and administrative regulation.

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

Legal Reference:

EDUCATION CODE

300-340 English language education for immigrant children

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33308.5 CDE guidelines not binding

44253.5-44253.10 Certification for bilingual-cross-cultural competence

48985 Notices to parents in language other than English

51101 Rights of parents to information

51101.1 Rights for parents of English learners

52130-52135 Impacted languages act of 1984

52160-52178 Bilingual Bicultural Act

52180-52186 Bilingual teacher training assistance program

*54000-54041 **54028** Programs for disadvantaged children*

62000-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

4320 Determination of funding to support program to overcome the linguistic difficulties of English learners

11300-11316 English Language Learner Education

11510-11516 California English Language Development Test

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

UNITED STATES CODE, TITLE 20

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

6801-6871 Title III, Language instruction for limited English proficient and immigrant students

COURT DECISIONS

Valeria G. v. Wilson, (9th Circuit) 2002 U.S. App. Lexis 20956

California Teachers Association et al. v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

Casteneda v. Pickard, (5th Cir. 1981) 648 F.2d 989

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Reclassification of English Learners, September 2002

Accommodations for the California English Language Development Test, Revised 8/13/01

WEB SITES

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

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

Instruction

EDUCATION FOR ENGLISH LANGUAGE LEARNERS

Definitions

English learner means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as Limited English Proficiency or LEP child. (*Education Code 306*)

English language classroom means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. (*Education Code 306*)

English language mainstream classroom means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English. (*Education Code 306*)

Sheltered English immersion or structured English immersion means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (*Education Code 306*)

Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the child's native language. (*Education Code 306*)

Identification and Assessment

Upon enrollment, each student's primary language shall be determined through use of a home language survey. (*5 CCR 11307*)

Within 30 calendar days of their initial enrollment, students who are identified as having a primary language other than English, as determined by the home language survey, and for whom there is no record of results from an English language development test, shall be assessed using the California English Language Development Test (CELDT). (*5 CCR 11511*)

All students shall have sufficient time to complete the CELDT as provided in the directions for test administration. (*5 CCR 11516*)

Any student with a disability shall take the CELDT with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. (*5 CCR 11516.5*)

(*cf. 6159 - Individualized Education Program*)

(*cf. 6164.6 - Identification and Education Under Section 504*)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

The district shall notify parents/guardians of their child's results on the CELDT within 30 calendar days. (*5 CCR 11511.5*)

(*cf. 5145.6 - Parental Notifications*)

Within 90 days of initial enrollment, students identified as having limited English proficiency shall be further assessed for primary language proficiency in comprehension, speaking, reading and writing. The Superintendent or designee shall develop criteria for determining student needs on the basis of these assessments. (*former Education Code 52164.1, 62002*)

Before students are enrolled in a program for English learners, parents/guardians also shall receive information about the program and opportunities for parental involvement. This information shall include the fact that an individual student's participation in the program is voluntary on the part of the parent/guardian. (Education Code 52173)

Not later than 30 calendar days after the beginning of the school year, each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. The notice shall include all of the following: (*Education Code 440; 20 USC 6312*)

1. The reason for the student's classification as English language learner
2. The level of English proficiency
3. A description of the program for English language development instruction, including a description of all of the following:
 - a. The manner in which the program will meet the educational strengths and needs of the student
 - b. The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards
 - c. The specific exit requirements for the program, the expected rate of transition from the program into classrooms not tailored for English language learner students, and the expected rate of graduation from secondary school if Title I funds are used for students in secondary schools
 - d. Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. Information regarding a parent/guardian's option to decline to allow the student to become enrolled in the program or to choose to allow the student to become enrolled in an alternative program

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

5. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered

Parent/guardians also shall be notified of the results of any reassessments. (*Education Code 52164.3*)

Parental Exception Waivers

At the beginning of each school year, parents/guardians shall be informed of the placement of their children in a structured English immersion program and shall be notified of an opportunity to apply for a parental exception waiver. (*Education Code 310; 5 CCR 11309*)

A parent/guardian may request that the District waive the requirements of Education Code 305, pertaining to the placement of a student in a structured English immersion program if one of the following circumstances exists:

Students who already know English: The student already possesses good English language skills, as measured by standardized tests of English vocabulary, comprehension, reading, and writing, in which the student scores ~~are~~ at or above the state average for his/her grade level or at or above the fifth grade average, whichever is lower. (*Education Code 311(a)*)

Older students: The student is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills. (*Education Code 311(b)*)

Students with special needs: The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the student has special physical, emotional, psychological or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development. (*Education Code 311(c)*)

The parent/guardian shall personally visit the school to apply for the waiver. (*Education Code 310*)

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians: (*Education Code 310, 311; 5 CCR 11309*)

1. A full written description, and a spoken description upon request, of the intent and content of the structured English immersion program, any alternative courses of study and all educational opportunities offered by the district and available to the student, and the educational materials to be used in the different educational program choices

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

2. For a request for waiver pursuant to Education Code 311(c) for students with special needs, notification that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the Superintendent must approve the waiver pursuant to Governing Board guidelines

Pursuant to Education Code 311(b) and 311(c), the principal and educational staff may recommend a waiver to a parent/guardian for a student 10 years or older and a student with special needs. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with district procedures and requirements otherwise applicable to a parental exception waiver, including *Education Code 310. (5 CCR 11309)*

When evaluating waiver requests pursuant to Education Code 311(a) for students who already know English and other waiver requests for those students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include local assessments, local standards and teacher evaluations.

Parental exception waivers pursuant to Education Code 311(b) for students 10 years or older shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (*Education Code 311*)

Parental exception waivers pursuant to Education Code 311(c) for students with special needs shall be granted if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (*Education Code 311*)

The principal shall consider all waiver requests made pursuant to Education Code 311(c) for students with special needs and shall submit a rationale of the decision regarding the waiver to the Superintendent or designee. When determining whether or not to recommend the approval of the waiver request, the principal shall assume that the facts justifying the request attested by the parent/guardian are a true representation of the child's condition.

Each waiver shall be considered on its individual merits with great deference given to parental preference for student placement.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

The principal or designee shall act upon all parental exception waivers within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to Education Code 311(c) for students with special needs shall not be acted upon during the 30-day placement in an English language classroom. These waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

All parental exception waivers shall be granted unless the principal and educational staff have determined that an alternative program offered at the school would not be better suited for the overall educational development of the student. (5 CCR [11309](#))

Individual schools in which 20 students or more of a given grade level receive a waiver shall be required to offer such a class; otherwise they must allow the students to transfer to a public school in which such a class is offered. (Education Code [310](#))

Students wishing to transfer shall be subject to the district's intradistrict and interdistrict attendance policies and administrative regulations. Students wishing to transfer to another district shall also be subject to the receiving district's interdistrict attendance policies and administrative regulations.

(cf. [5116.1](#) - Intradistrict Open Enrollment)

(cf. [5117](#) - Interdistrict Attendance)

In cases where a parental exception waiver pursuant to Education Code 311(b) or (c) is denied, the parent/guardian shall be informed in writing of the reason(s) and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11303)

Redesignation

The District shall continue to provide additional and appropriate educational service to English learners for the purposes of overcoming language barriers until the English learners have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the District's average native English language speakers.
2. Recouped any academic deficits which may have been incurred in other areas or the core curriculum as a result of language barriers.

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

English language learners shall be redesignated as fluent-English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in the regular program and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English language learner shall be reclassified as fluent English proficient: (5 CCR 11303)

1. Assessment of English language proficiency utilizing the CELDT as the primary criterion, and objective assessment of the student's English reading and writing skills
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions
3. Parent/guardian opinion and consultation during a redesignation interview

Parents/guardians shall receive notice and a description of the redesignation process, including notice of their right to participate in the process. Parent/guardian participation in the process shall be encouraged.

1. Comparison of performance in basic skills, including performance on the English Language Arts section of the California Standards Test
2. Objective data on the student's academic performance in English

The Superintendent or designee shall provide subsequent monitoring and support of redesignated students including but not limited to monitoring the performance of redesignated students in the core curriculum in comparison with their native-English speaking peers, monitoring the rate of redesignation, and ensuring correct classification and placement.

The Superintendent or designee shall develop a process to monitor the effectiveness of the district's program for English language learners. The district's program shall be modified as needed to help ensure language and academic success for each English language learner.

Advisory Committees

At the District level when there are more than 50 English *language* learners *in the District* and at each school with more than 20 English *language* learners, parent/guardian advisory committees shall be maintained to serve the advisory functions specified in law. (5 CCR 11308)

EDUCATION FOR ENGLISH LANGUAGE LEARNERS (continued)

Parents/guardians of English learners shall constitute committee membership in at least the same percentage as their children represent of the total number of students in the school. (Education Code 52176)

The district's English language advisory committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a district master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The districtwide needs assessment on a school-by-school basis
3. Establishment of a district program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the district's reclassification procedures
7. Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

PARENTAL EXCEPTION WAIVER EDUCATION CODE 311(a):

CHILDREN WHO KNOW ENGLISH

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

My child possesses good English language skills and for that reason I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Child's English standardized test scores: Scores must be at or above the state average for the child's grade level or above the 5th grade average:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

PARENTAL EXCEPTION WAIVER EDUCATION CODE 311(b):

CHILDREN AGE 10 OR OLDER

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

My child is 10 years of age or older and I believe that an alternate course of study is better suited to my child's rapid acquisition of English. For that reason, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible.

I have personally visited the school to apply for this waiver.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____

Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

PARENTAL EXCEPTION WAIVER EDUCATION CODE [311](#)(c):

CHILDREN WITH SPECIAL NEEDS

Name: _____ Grade: _____

School: _____ Date of Birth: _____

Language Designation: _____

I believe that my child has special needs and that an alternate course of study is better suited to his/her educational development. (Check all that apply and provide a brief statement)

☐ Educational Needs ☐ Physical Needs ☐ Emotional/Psychological Needs

Therefore, I request a waiver of the school's Structured/Sheltered English language program. I understand that the objective for my child is to be taught English as rapidly and effectively as possible. I have personally visited the school to apply for this waiver.

I understand that my child must be placed in an English language classroom for 30 calendar days and that this waiver will be considered by the Superintendent pursuant to Board-established guidelines.

I have been provided a full written description of: the intent and content of the structured English immersion program; any alternative courses of study offered by the district and made available to my child; all educational opportunities offered by the district and made available to my child; and the educational materials to be used in the different educational program choices.

I understand that I must request that this waiver be reconsidered annually, each school year.

Parent/Guardian Signature: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

For School Use Only:

Waiver Granted/Denied: _____ Date: _____

Signature: _____

Board meeting of October 18, 2012

SO 2012-13/B13-12
Fountain Valley School District
Superintendent's Office

M E M O R A N D U M

TO: Board of Trustees
FROM: Marc Ecker, Superintendent
SUBJECT: **Revisions to Board Bylaw 9321: Closed Session Purposes and Agendas
(Second Reading and Adoption)**
DATE: October 9, 2012

Background:

In the continued effort to maintain a set of current Board Policies, it is necessary to bring certain policies to the Board of Trustees for revision due to changes in Education Code or statute. The District is informed of such changes by the California School Boards Association or Orange County Department of Education through alerts to districts regarding mandated changes.

Board Bylaw 9321: Closed Session Purposes and Agenda was updated to reflect new Attorney General opinion which concludes that only three specified subjects related to real property negotiations may be considered in closed session. BB 9321 also includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, includes requirement to reconvene in open session to report decisions of closed session, and revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."

The updated bylaw was presented for first reading to the Board of Trustees at their September 27, 2012 meeting.

Recommendation:

It is recommended that revisions to Board Bylaw 9321: Closed Session Purposes and Agenda be approved for second reading and adoption, with necessary changes as indicated by the Board of Trustees.

/rl

CLOSED SESSION PURPOSES AND AGENDAS

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board of Trustees ~~may~~ **shall** hold closed sessions only for purposes ~~identified in~~ **authorized by law** and placed on the meeting agenda in the manner required by law. The Board may hold a closed session at any time during a regular, ~~or~~ special meeting, **or emergency meeting in accordance with law.** ~~No closed session may be held during an emergency meeting of the Board.~~ (Government Code 54956.5, 54957.7, 54962, **54950-54963**)

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Board shall announce in open meeting the items to be discussed in closed session. No other matters shall be discussed in closed session. **After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1.** (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee or to hear complaints or charges against an employee. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2123 - Evaluation of the Superintendent)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

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

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following meetings and executive sessions held for negotiation with represented employees shall not be subject to open meeting requirements: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a factfinder or arbitrator
4. Any executive (**closed**) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any

CLOSED SESSION PURPOSES AND AGENDAS (continued)

matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143 - Negotiations/Consultation)

(cf. 4143.1 - Public Notice - Personnel Negotiations)

The Board shall meet in closed session with the Board's negotiations representative to consider matters which have been placed in negotiation and to instruct the representative as to the Board's position on these matters. Such sessions shall be held before or during consultations and discussions with representatives of employee organizations and unrepresented employees. The Board also shall meet in closed session with a state conciliator or a mediator who has intervened in negotiations proceedings.

Closed sessions related to negotiations may include discussion of the district's available funds and funding priorities only insofar as these discussions relate to providing instructions to the district's designated representative. When the negotiations are with unrepresented employees, only salaries, salary schedules and compensation in the form of fringe benefits may be considered. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative attending the closed session and the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5) The designated representative(s) shall be announced before going into closed session. (Government Code 54957.6)

Matters Related to Students

The Board shall meet in closed session to consider a suspension, disciplinary action or any other action in connection with a student if a public hearing on the matter would violate

CLOSED SESSION PURPOSES AND AGENDAS (continued)

student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. **Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled.**

(Education Code 35146, 48918, ~~49073~~, 49076)

~~(cf. 5117 - Interdistrict Attendance)~~

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

~~(cf. 5125.3 - Challenging Student Records)~~

~~(cf. 5144 - Discipline)~~

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

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

~~(cf. 5117 - Interdistrict Attendance)~~

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

~~(cf. 5125.3 - Challenging Student Records)~~

~~(cf. 5144 - Discipline)~~

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police or their respective deputies, **or a security consultant or a security operations manager**, on matters posing a threat to the security of public buildings; **to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service**; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, **or name of applicable agency representative and title**, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board shall meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property in order to give its negotiator the authority to settle the price and terms of the property on behalf of the district. Agenda items related to real property negotiations shall specify the district negotiator attending the closed session.

Before holding the closed session, the Board shall at a public meeting identify the property under negotiation and specify the person(s) with whom the negotiator may negotiate. Before entering closed session, the board shall identify its property negotiator. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board shall hold a closed session to confer with **or receive advice from** its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the ~~Board's~~ **district's** position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer or arbitrator. **(Government Code 54956.9)**

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Litigation shall be considered pending when any of the following circumstances exist:

1. Litigation to which the Board is a party has been initiated formally. (Government Code 54956.9(a))
2. Based on existing facts and circumstances and the advice of legal counsel, the Board is meeting only to decide whether there is a significant exposure to litigation against the district and a closed session is therefore authorized or the Board has already determined that there is significant exposure to litigation against the district (Government Code 54956.9(b))
3. ~~Pursuant to Government Code 54956.9(c), the Board has decided to initiate or is deciding whether to initiate litigation~~

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following:

1. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed
2. Facts and circumstances such as accidents, disasters, incidents or transactional occurrences which might result in litigation, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda
3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

(cf. 3320 - Claims and Actions Against the District)

4. A threat of litigation made by a person in an open meeting and related to a matter for which the Board has responsibility
5. A threat of litigation made by a person outside of an open meeting and related to a matter for which the Board has responsibility, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection

CLOSED SESSION PURPOSES AND AGENDAS (continued)

The above record does not need to identify an alleged victim or perpetrator of tortious sexual conduct or a victim or alleged victim of child abuse unless this identity has already been made public. (Government Code 54956.9, 54961)

6. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on subdivision (a), the Board shall either identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation." (Government Code 54954.5)

"Existing litigation" items shall either specify the claimant's name, names of parties and case or claim number or shall state that disclosure would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. (Government Code 54954.5)

The agenda or an oral statement before the closed session may also be required to provide information about the following: (Government Code 54954.5, 54956.9)

1. Facts and circumstances known to a potential plaintiff that might result in litigation against the district
2. The receipt of a claim or other written threat of litigation which is available for public inspection
3. A threat of litigation made by a person in an open public meeting

CLOSED SESSION PURPOSES AND AGENDAS (continued)

4. Threats of litigation about which an employee has made a record which is available for public inspection

JPA/Self-Insurance Liability Claims

The Board shall meet in closed session to discuss a claim against a joint powers authority or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability.

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3320 - Claims and Actions Against the District)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code

CLOSED SESSION PURPOSES AND AGENDAS (continued)

54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board shall meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review.

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code requires closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student suspension)*

48918 *Rules governing expulsion procedures; hearings and notice*

49073 *Release of directory information*

49076 *Access to records by persons without written parental consent (re invasion of privacy)*

60617 *Meetings of Board of Trustees*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

6250-6268 *California Public Records Act*

54950-54962 *The Ralph M. Brown Act, especially:*

54952.6 *Action taken, definition*

54954.2 *Agenda; posting*

54954.5 *Closed session item descriptions*

54956.8 *Closed session with negotiator regarding real property*

54956.9 *Closed session with legal counsel regarding pending legislation*

54956.95 *Closed sessions; insurance pooling*

54957 *Closed session; personnel and security matters*

54957.1 *Closed sessions; public report of action taken*

54957.2 *Taking of minutes at closed sessions; clerk; minute book*

54957.6 *Closed session; representatives to employee organization(s)*

54957.7 *Disclosure of items to be discussed in closed session*

54961 *Prohibitions*

54962 *Closed session prohibited*

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App.
2d 41, 69 Cal. Rptr. 480
Roberts v. City of Palmdale (1993) 5 Cal.4th 363
59 *Ops. Cal. Atty. Gen.* 532 (1976)
78 *Ops. Cal. Atty. Gen.* 218 (1995)

Bylaw
adopted:

FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT
Fountain Valley, California

Fountain Valley School District

M E M O R A N D U M

TO : Board of Trustees
FROM : Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT : **RESOLUTION 2013-09: AUTHORIZATION FOR
TEACHING CREDENTIALS 2012-2013 SCHOOL YEAR**
DATE : September 25, 2012

Background:

The Governing Board of a school district by Resolution may authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class below grade 9 provided that the teacher has completed at least 12 semester units or 6 upper division units of coursework at an accredited institution in each subject to be taught.

The Governing Board of a school district may authorize the holder of a single subject teaching credential or a standard teaching credential may be assigned to teach classes in grades 5 to 8 of a middle school if the teacher has a minimum of 12 semester units or 6 upper division or graduate units of coursework at an accredited institution in the subject to which he/she is assigned.

Recommendation:

It is recommended that the Board of Trustees adopt Resolution 2013-09 to approve the teaching assignments listed.

FOUNTAIN VALLEY SCHOOL DISTRICT
RESOLUTION NO. 2013-09

EDUCATION CODES 44256(b), 44258.2
Authorization for Teaching Credentials

WHEREAS, Education Code 44256(b) states that the governing board of school district by resolution may authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class or group of students below grade 9, provided that the teacher has completed at least 12 semester units, or six upper division or graduate units, of coursework at an accredited institution in each subject to be taught. The authorization shall be with the teacher's consent.

Bosl, Charlene	English/Reading
Brunner, Michael	Science/Math/Pre-Algebra
Flores, Staci	English/History/Social Science
Fouse, Erin	History/Social Science
Gaebel, Alyssa	Science
Hall, Scott	History/Social Science
James, Brooke	English/History/Social Science/Art
Menendez, Malia	Math, Pre-Algebra/Algebra, Geometry
O'Neal, Dawn	History/Social Science
Patriarca, Renee	English/Reading/History/Social Science/Speech
Perkins, Larissa	History/Social Science
Phillips, Jody	English/Reading
Trim, Amy	English/Reading/Art
Walton, Lorri	Math/Algebra/Pre-Algebra, Geometry
Woo, Linda	History/Social Science/Math/Pre-Algebra/Art
Yu, Connie	Science, Home Economics

WHEREAS, Education Code 44258.2 states that the holder of a single subject teaching credential or a standard teaching credential may with his or her consent, be assigned by action of the local governing board to teach classes in grades 5 to 8, inclusive, in a middle school, if he or she has a minimum of 12 semester units, or six upper division or graduate units, of coursework at an accredited institution in the subject to which he or she is assigned. This assignment shall be for one year, but may be renewed annually by action of the governing board.

Fockler, Beth	History/Social Science
---------------	------------------------

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Governing Board of the Fountain Valley School District hereby approves the following teaching assignments per Education Code 44256 (b), and Education Code 44258.2 for the 2012-2013 school year.

PASSED AND ADOPTED By the Governing Board on October 18, 2012 by the following vote:

Ayes: _____
Nays: _____
Abstentions: _____

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Sandra Crandall, Clerk of the Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Board at a regularly called and conducted meeting held on said date.

WITNESSED my hand this 18th day of October, 2012.

Clerk of the Governing Board



FOUNTAIN VALLEY SCHOOL DISTRICT
Curriculum/Instruction

MEMORANDUM

TO: Marc Ecker, Superintendent
FROM: Anne Silavs, Assistant Superintendent, Instruction
SUBJECT: ***GRANT AGREEMENT #BD1323226 BY AND BETWEEN THE ORANGE COUNTY COMMUNITY FOUNDATION AND THE FOUNTAIN VALLEY SCHOOL DISTRICT FOR VISUAL AND PERFORMING ARTS PROGRAM (VAPA) COORDINATION***
DATE: October 10, 2012

BACKGROUND INFORMATION:

The goal of the Orange County Arts Education Collaborative Fund, sponsored by the Orange County Community Foundation, is to ensure that all Orange County students have access to a quality arts education program. As a result of District participation in the Arts Advantage Program through the Orange County Department of Education, the Fountain Valley School District was eligible to submit a grant proposal for arts education funding. The District's grant proposal focused on support for Visual and Performing Arts Program (VAPA) coordination, which had been previously funded by the Boeing Company. The grant award of \$10,000 will fund two part-time District VAPA Coordinators, who will support ongoing implementation of the District's Strategic Arts Education Plan.

RECOMMENDATION

It is recommended that the Board of Trustees approve grant agreement number BD1323226 between the Orange County Community Foundation and the Fountain Valley School District.



October 10, 2012

Anne Silavs
Fountain Valley School District
10055 Slater Avenue
Fountain Valley, CA 92708

RE: Grant#**BD1323226**

Dear Ms. Silavs:

Congratulations! Your request for funding from the Orange County Arts Education Collaborative Fund of the Orange County Community Foundation has been approved.

The details of your grant are provided in the enclosed Grant Agreement. Please read, sign and date each agreement and return **ONE copy** to OCCF to acknowledge your acceptance of the grant and its conditions. The grant check will be mailed directly to your organization upon receipt of the signed agreement. If you have any questions regarding the Grant Agreement or payments, please contact Marisa Conner, Donor & Community Engagement Associate, at mconner@oc-cf.org or 949-553-4202 x 48.

Once again, we look forward to working with you.

Best regards,

A handwritten signature in black ink, appearing to read "Patricia Benevenia". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Patricia Benevenia
Programs Officer, Donor & Community Engagement

Enclosures

4041 MacArthur Blvd.
Suite 510
Newport Beach, CA 92660

949 553 4202

www.oc-cf.org

Our mission is to encourage, support and facilitate philanthropy in Orange County.



Orange County Community Foundation phone 949.553.4202
4041 MacArthur Blvd., Suite 510 facsimile 949.553.4211
Newport Beach, CA 92660 website www.oc-cf.org

GRANT AGREEMENT

NUMBER: BD1323226

The grant to Fountain Valley School District (hereafter referred to as "grantee") from the **Orange County Arts Education Collaborative Fund** grant program of the Orange County Community Foundation (hereafter referred to as "OCCF") is for the explicit purpose described below and is subject to your acceptance of the following conditions.

GRANTEE: Fountain Valley School District
 10055 Slater Avenue
 Fountain Valley, CA 92708

CONTACT: Anne Silavs

AMOUNT OF GRANT: \$10,000.00

GRANT PERIOD: **September 30, 2012 – September 30, 2013**

GRANT PURPOSE: This grant is to support two part time Visual and Performing Arts Coordinators and substitute teachers.

PAYMENT SCHEDULE: Paid upon receipt by OCCF of a signed copy of this agreement.

GRANT CONDITIONS: See pages 2-3 and accompanying enclosure

REPORTS: **One final report is required.** Please use the grant reporting guidelines specific to your grant program which you will find online at www.oc-cf.org. You may request an electronic copy of these guidelines at any time. Failure to submit complete reports on time and in the format provided will jeopardize your grant status and future funding opportunities. If you have questions or concerns regarding reporting requirements please contact Patricia Benevenia at (949) 553-4202 ext. 37 or pbenevenia@oc-cf.org immediately:

- The final report is due by **October 15, 2013**

Please assign responsibility for these reports immediately. Our records reflect the above contact as the responsible party for reporting. Should this change during the grant period, you must notify Patricia Benevenia.

SPECIAL PROVISIONS:

All grants are made in accordance with current and applicable laws and pursuant to the Internal Revenue Code as amended and the regulations issued thereunder.

Please read the following carefully:

I. ANNOUNCING GRANTS

Announcements by the grantee of the grant award, indicating OCCF's participation in the program funding, are encouraged. Grantees are asked to fax the text of any planned announcements to OCCF's Program Officer for review and response regarding accuracy. Please also forward copies of any published accounts that mention the project or OCCF.

II. EXPENDING OF FUNDS

This grant is to be used only for the purpose described in the grant proposal and in accordance with the approved budget. The program is subject to modification only with OCCF's prior written approval. If the amount granted is less than what was originally requested in the grant proposal and you need to modify the objectives from your proposal, please contact Patricia Benevenia at (949) 553-4202 ext.37 or pbenevenia@oc-cf.org.

- A. The grantee shall return to OCCF any unexpended funds:
 - 1. At the end of the grant period, or
 - 2. If OCCF determines that the grantee has not performed in accordance with this agreement and approved program budget, or
 - 3. If the grantee loses its exemption from Federal income taxes under Section 501(c)(3) of the Internal Revenue Code.
- C. No funds provided by OCCF may be used for any political campaign, or to support attempts to influence legislation by any governmental body, other than through making available the results of nonpartisan analysis, study and research.
- D. Expenses charged against this grant may not be incurred prior to the effective date of the grant or subsequent to the termination date, and may be incurred only as necessary to carry out the purpose and activities of the approved program.
- E. The grantee is responsible for the expenditure of funds and for maintaining adequate supporting records.

- F. Equipment or property purchased with grant funds shall be the property of the grantee so long as it is not diverted from the purposes for which the grant was made. If the purpose of the organization or the use of grant funds is changed, the equipment or property reverts to OCCF at its option.
- G. Reports, materials, books and articles resulting from this grant may be copyrighted by the grantee or by the author, in accordance with the policies of the grantee toward the goal of obtaining the widest dissemination of such reports, materials, books and articles. OCCF reserves the royalty-free license to use such publications. For projects involving possibility of patents, the grantee should request further information from OCCF.

III. INDEMNIFICATION

The grantee agrees to defend, hold harmless, and indemnify OCCF, its officers, agents, employees, and assigns against any and all expense, liability, loss, damages or claims (including attorneys' fees, judgments, fines, excise taxes or penalties and amounts to be paid in settlement) arising from or allegedly arising from the grantee's performance or activities. OCCF assumes no liability concerning persons or property associated with OCCF's sponsorship contemplated under this Agreement.

IV. LIMIT OF COMMITMENT

Unless otherwise stipulated in writing, this grant is made with the understanding that OCCF has no obligation to provide other or additional support to the grantee. Notwithstanding the foregoing provisions to the contrary, the Donor shall not be obligated on any Disbursement Date to disburse an amount greater than the balance on that date in the donor-advised fund standing in the name of Orange County Arts Education Collaborative Fund on the Donor's books.

FOR THE GRANTEE:

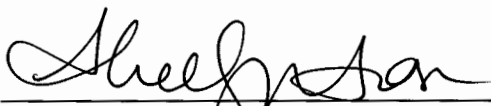
Signature of Authorized Representative

Name, printed

Title

Date

**ORANGE COUNTY
COMMUNITY FOUNDATION:**



Shelley Hoss, President