



Fountain Valley School District

BOARD OF TRUSTEES
SPECIAL MEETING

A G E N D A

10055 Slater Avenue
Fountain Valley, CA 92708
and Videoconference via Zoom

October 15, 2020

Meeting Link: https://us02web.zoom.us/webinar/register/WN_dHyJvmVXRDatT8rufMDHKw

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

M _____
 2nd _____
 V _____

- PLEDGE OF ALLEGIANCE

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. 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 in writing after the meeting, or direct that additional information be provided to the Board on a future agenda.

In order to address the Board of Trustees, please email your comments to luccheser@fvsd.us by 5:00PM on Thursday, October 15th. Your comments will be read into the record. For those attending in person, please comply with the procedures listed on the goldenrod form, “For Persons Wishing to Address the Board of Trustees” and give the form to the Executive Assistant.

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

LEGISLATIVE SESSION

- 1. BOARD POLICY 4119.11/4219.11/4319.11 SEXUAL HARASSMENT (FIRST READING)**

M _____
 2nd _____
 V _____

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.

Board Policy 4119.11/4219.11/4319.11 Sexual Harassment is being updated to reflect new federal regulations (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures.

Superintendent’s Recommendation: It is recommended that the Board of Trustees approves revisions to Board Policy 4119.11/4219.11/4319.11 Sexual Harassment for first reading with necessary changes as indicated by the Board.

2. BOARD POLICY 5145.7 SEXUAL HARASSMENT (FIRST READING)

M ___
2nd ___
V ___

Board Policy 5145.7 Sexual Harassment is being updated to reflect new federal regulations (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures.

Superintendent’s Recommendation: It is recommended that the Board of Trustees approves revisions to Board Policy 5145.7 Sexual Harassment for first reading with necessary changes as indicated by the Board.

3. 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.

Consent Items

3-A. REVISION TO 2020-21 REOPENING SCHOOLS PLAN

Superintendent’s Comments: It is recommended that the Board of Trustees approves updates to the 2020-21 Reopening Schools Plan for 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

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.
- Pupil Personnel: *Education Code 35146*
- Negotiations: *Government Code 54957.6*
Update and review of negotiations with the FVEA and CSEA Bargaining Units with the Board's designated representative, Cathie Abdel.
- Threat to Public Safety or Facilities: *Government Code 54956.5*
- Consultation with Assistant Superintendent, Personnel, Assistant Superintendent, Business Services and Assistant Superintendent, Educational Services: *Government Code 54956.5*
- Public Employee Performance Evaluation: *Government Code Section 54957 & 54957.1*
The Board will meet in closed session to discuss the annual performance evaluation of the superintendent.
- REPORT OUT OF CLOSED SESSION
The Board President will report out on action taken, if any.
- APPROVAL TO ADJOURN

**The next regular meeting of the Fountain Valley School District
Board of Trustees is on Thursday, November 12, 2020 at 6:30PM.**

A copy of the Board Meeting agenda is posted on the District's web site (www.fvsd.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 luccheser@fvsd.us or calling 714.843.3255 during normal business hours.

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 at luccheser@fvsd.us or calling 714.843.3255.



Fountain Valley School District
SO2020-21 / B21-09
Superintendent's Office

MEMORANDUM

TO: Board of Trustees
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: **BOARD POLICY 4119.11/4219.11/4319.11 SEXUAL HARASSMENT
(FIRST READING)**
DATE: October 14, 2020

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 adoption due to changes in best practices, education code and law. The California School Boards Association or the Orange County Department of Education informs the District of mandated changes through alerts.

Board Policy 4119.11/4219.11/4319.11 Sexual Harassment is being updated to reflect new federal regulations (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures.

New text is presented in bold font and text to be removed has been struck through.

Fiscal Impact:

There is minimal fiscal impact associated with the adoption of Board Policy 4119.11/4219.11/4319.11 Sexual Harassment.

Recommendation:

It is recommended that the Board of Trustees approves revisions to Board Policy 4119.11/4219.11/4319.11 Sexual Harassment for first reading with necessary changes as indicated by the Board.

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

~~All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions (2 CCR 11023).~~

All complaints and allegations of sexual harassment shall be kept confidential to the extent permitted by law.

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator **Title IX Coordinator**, or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee **Title IX Coordinator**.

Complaints of sexual harassment shall be filed in accordance with ~~AR 4031 - Complaints Concerning Discrimination in Employment~~ **AR 4119 - Sexual Harassment in Employment**. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the

subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

BP 4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)



Fountain Valley School District
SO2020-21 / B21-08
Superintendent's Office

MEMORANDUM

TO: Board of Trustees
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: **BOARD POLICY 5145.7 SEXUAL HARASSMENT (FIRST READING)**
DATE: October 14, 2020

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 adoption due to changes in best practices, education code and law. The California School Boards Association or the Orange County Department of Education informs the District of mandated changes through alerts.

Board Policy 5145.7 Sexual Harassment is being updated to reflect new federal regulations (85 Fed. Reg. 30026) which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures.

New text is presented in bold font and text to be removed has been struck through.

Fiscal Impact:

There is minimal fiscal impact associated with the adoption of Board Policy 5145.7 Sexual Harassment.

Recommendation:

It is recommended that the Board of Trustees approves revisions to Board Policy 5145.7 Sexual Harassment for first reading with necessary changes as indicated by the Board.

SEXUAL HARASSMENT

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult or who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the

SEXUAL HARASSMENT (continued)

- manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
 6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
 7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
 8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

~~Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 – Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.~~

All complaints alleging sexual harassment defined by Title IX of the Education Amendments of 1972 will be investigated in accordance with AR 5145.71. All other allegations of sexual harassment will be investigated in accordance with law and district procedures specified in AR 1312.3.

(cf. 1312.3 - Uniform Complaint Procedures)

Upon **completion of** investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

SEXUAL HARASSMENT (continued)

Upon investigation of a sexual harassment complaint, any staff member found to have engaged in sexual harassment or sexual violence toward any student **shall be subject to discipline including, and up to, termination.** ~~shall have his/her employment terminated in accordance with law and the applicable collective bargaining~~

(cf. 4117.7 - Employment Status Report)

*(cf. 4118 – **Dismissal**/Suspension/Disciplinary Action)*

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

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)



Fountain Valley School District
SO2020-21 / B21-10
Superintendent's Office

MEMORANDUM

TO: Board of Trustees
FROM: Cathie Abdel, Assistant Superintendent, Personnel
SUBJECT: **REVISION TO 2020-21 REOPENING SCHOOLS PLAN**
DATE: October 14, 2020

Background:

The 2020-21 Reopening Schools Plan is being revised to reflect the District's update to safety protocols concerning face coverings. All TK-8th grade students throughout the district are required to wear face masks during the following times:

- While entering/exiting campus
- When moving around the classroom
- At recess when less than six feet apart

Fiscal Impact:

There is no fiscal impact with this update to the 2020-21 Reopening Schools Plan.

Recommendation:

It is recommended that the Board of Trustees approves updates to the 2020-21 Reopening Schools Plan for the Fountain Valley School District.