



**CHINO VALLEY**  
UNIFIED SCHOOL DISTRICT

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

# BOARD OF EDUCATION AGENDA

**September 1, 2016**

**BOARD OF EDUCATION**

Andrew Cruz, President  
Sylvia Orozco, Vice President  
Pamela Feix, Clerk  
James Na, Member  
Irene Hernandez-Blair, Member

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**SUPERINTENDENT**  
Wayne M. Joseph

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5130 Riverside Drive. Chino. California 91710  
[www.chino.k12.ca.us](http://www.chino.k12.ca.us)

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**5130 Riverside Drive, Chino, CA 91710**  
**5:15 p.m. – Closed Session • 7:00 p.m. – Regular Meeting**  
**September 1, 2016**

**AGENDA**

- The public is invited to address the Board of Education regarding items listed on the agenda. Comments on an agenda item will be accepted during consideration of that item, or prior to consideration of the item in the case of a closed session item. Persons wishing to address the Board are requested to complete and submit to the Administrative Secretary, Board of Education, a "Request to Speak" form available at the entrance to the Board room.
- In compliance with the Americans with Disabilities Act, please contact the Administrative Secretary, Board of Education, if you require modification or accommodation due to a disability.
- Agenda documents that have been distributed to members of the Board of Education less than 72 hours prior to the meeting are available for inspection at the Chino Valley Unified School District Administration Center, 5130 Riverside Drive, Chino, California, during the regular business hours of 7:30 a.m. to 4:30 p.m., Monday through Friday.

**I. OPENING BUSINESS**

**I.A. CALL TO ORDER – 5:15 P.M.**

1. Roll Call
2. Public Comment on Closed Session Items
3. Closed Session

**Discussion and possible action (times are approximate):**

- a. Conference with Legal Counsel–Existing Litigation (Government Code 54954.4(c) and 54956.9)(d)(1): Federal District Court, Case No. EDCV 14-2336-JGB (DTBx) Freedom from Religion Foundation vs. Chino Valley Unified School District Board of Education. (Tyler & Bursch, LLP) (Margaret A. & Associates) (45 minutes)
- b. Public Employee Appointment (Government Code 54957): High School Assistant Principal, Junior High School Principal and Assistant Principal. (10 minutes)
- c. Conference with Labor Negotiators (Government Code 54957.6): A.C.T. and CSEA negotiations. Agency designated representatives: Dr. Norm Enfield, Sandra Chen, Dr. Grace Park, Lea Fellows, and Richard Rideout. (10 minutes)
- d. Public Employee Discipline/Dismissal/Release (Government Code 54957): (10 minutes)
- e. Public Employee Performance Evaluation (Government Code 54957): Superintendent. (30 minutes)

**I.B. RECONVENE TO REGULAR OPEN MEETING – 7:00 P.M.**

1. Report Closed Session Action
2. Pledge of Allegiance

**I.C. COMMENTS FROM STUDENT REPRESENTATIVE**

**I.D. COMMENTS FROM EMPLOYEE REPRESENTATIVES**

**I.E. COMMENTS FROM COMMUNITY LIAISONS**

The proceedings of this meeting are being recorded.

## I.F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

## I.G. CHANGES AND DELETIONS

**II. ACTION**

## II.A. HUMAN RESOURCES

**II.A.1. Public Hearing and Ratification of the Tentative Agreement Between the Chino Valley Unified School District and the California School Employees Association (CSEA) and its Chino Chapter 102**

Page 8

Recommend the Board of Education:

- a) Conduct a public hearing, and
- b) Ratify the Tentative Agreement between the Chino Valley Unified School District and the California School Employees Association and its Chino Chapter 102.

Open Hearing \_\_\_\_\_

Close Hearing \_\_\_\_\_

Motion\_\_\_\_Second\_\_\_\_

Preferential Vote: \_\_\_\_\_

Vote: Yes \_\_\_\_ No \_\_\_\_

**II.A.2. Approval of Salary Increase for Management and Classified Confidential Employees**

Page 21

Recommend the Board of Education approve the salary increase for management and classified confidential employees, as follows:

- a) For employees in paid status between November 1, 2015, through February 29, 2016, shall receive a 2.5% off schedule one-time payment. This payment will be on the base salary received in the 2015/2016 school year, and
- b) Effective July 1, 2016, the District shall provide a 3.5% on going on schedule salary increase.

Motion\_\_\_\_Second\_\_\_\_

Preferential Vote: \_\_\_\_\_

Vote: Yes \_\_\_\_ No \_\_\_\_

**II.A.3. Addendum to the Employment Contracts for the Superintendent; Deputy Superintendent; and the Assistant Superintendents of Business Services; Educational Services; Facilities, Planning and Operations; and Human Resources Divisions of the Chino Valley Unified School District**

Page 22

Recommend the Board of Education approve the addendum to the employment contracts for the Superintendent; Deputy Superintendent; and the Assistant Superintendents of Business Services;

Motion\_\_\_\_Second\_\_\_\_

Preferential Vote: \_\_\_\_\_

Vote: Yes \_\_\_\_ No \_\_\_\_

Educational Services; Facilities, Planning and Operations; and Human Resources Divisions as follows:

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

<b>III. CONSENT</b>
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Motion \_\_\_\_ Second \_\_\_\_  
 Preferential Vote: \_\_\_\_  
 Vote: Yes \_\_\_\_ No \_\_\_\_

### III.A. ADMINISTRATION

#### III.A.1. Minutes of the Regular Meeting of August 18, 2016

Page 30 Recommend the Board of Education approve the minutes of the regular meeting of August 18, 2016.

#### III.A.2. Revision of Board Bylaw 9222 Bylaws of the Board—Resignation

Page 39 Recommend the Board of Education approve the revision of Board Bylaw 9222 Bylaws of the Board—Resignation.

#### III.A.3. Revision of Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas

Page 42 Recommend the Board of Education approve the revision of Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas.

#### III.A.4. Revision of Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board

Page 53 Recommend the Board of Education approve the revision of Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board.

### III.B. BUSINESS SERVICES

#### III.B.1. Warrant Register

Page 58 Recommend the Board of Education approve/ratify the warrant register, provided under separate cover.

#### III.B.2. Fundraising Activities

Page 59 Recommend the Board of Education approve/ratify the fundraising activities.

#### III.B.3. Donations

Page 63 Recommend the Board of Education accept the donations.

**III.B.4. Legal Services**

Page 65 Recommend the Board of Education approve payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; and Parker and Covert LLP.

**III.B.5. Signature Authorizations for Chino Valley Unified School District**

Page 66 Recommend the Board of Education approve the signature authorizations for Chino Valley Unified School District.

**III.C. EDUCATIONAL SERVICES**

**III.C.1. School-Sponsored Trips**

Page 71 Recommend the Board of Education approve/ratify the following school-sponsored trips: Hidden Trails ES; Rhodes ES; and Don Lugo HS.

**III.C.2. Revision of Board Policy 0450 Philosophy, Goals, Objectives, and Comprehensive Plans—Comprehensive Safety Plans**

Page 73 Recommend the Board of Education approve the revision of Board Policy 0450 Philosophy, Goals, Objectives, and Comprehensive Plans—Comprehensive Safety Plans.

**III.C.3. Revision of Board Policy 3541.2 Business and Noninstructional Operations—Transportation for Students with Disabilities**

Page 79 Recommend the Board of Education approve the revision of Board Policy and 3541.2 Business and Noninstructional Operations—Transportation for Students with Disabilities.

**III.C.4. Revision of Board Policy 3515.2 Business and Noninstructional Operations—Disruptions**

Page 84 Recommend the Board of Education approve the revision of Board Policy 3515.2 Business and Noninstructional Operations—Disruptions.

**III.C.5. New Board Policy 3515.7 Business and Noninstructional Operations—Firearms on School Grounds**

Page 88 Recommend the Board of Education approve the new Board Policy 3515.7 Business and Noninstructional Operations—Firearms on School Grounds.

**III.D. FACILITIES, PLANNING, AND OPERATIONS**

**III.D.1. Purchase Order Register**

Page 91 Recommend the Board of Education approve/ratify the purchase order register, provided under separate cover.

**III.D.2. Agreements for Contractor/Consultant Services**

Page 92 Recommend the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

**III.D.3. Surplus/Obsolete Property**

Page 96

Recommend the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

**III.D.4. Change Orders and Notice of Completion for Bid No. 15-16-05, Installation of New Single Ply Roofing at Various Sites**

Page 98

Recommend the Board of Education approve the Change Orders and Notice of Completion for Bid No. 15-16-05, Installation of New Single Ply Roofing at Various Sites.

**III.D.5. Change Order and Notice of Completion for Bid No. 15-16-07, Exterior Painting at Various Sites**

Page 102

Recommend the Board of Education approve the Change Order and Notice of Completion for Bid No. 15-16-07, Exterior Painting at Various Sites.

**III.D.6. Notice of Completion for CUPCAA Projects**

Page 105

Recommend the Board of Education approve the Notice of Completion for CUPCCA Projects.

**III.D.7. Revision of Board Policy 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies**

Page 107

Recommend the Board of Education approve the revision of Board Policy 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies.

**III.E. HUMAN RESOURCES****III.E.1. Certificated/Classified Personnel Items**

Page 110

Recommend the Board of Education approve/ratify the certificated/classified personnel items.

**IV. INFORMATION****IV.A. EDUCATIONAL SERVICES****IV.A.1. Revision of Board Policy and Administrative Regulation 3513.3 Business and Noninstructional Operations—Tobacco-Free Schools**

Page 115

Recommend the Board of Education receive for information the revisions of Board Policy and Administrative Regulation 3513.3 Business and Noninstructional Operations—Tobacco-Free Schools.

**IV.A.2. Revision of Board Policy 5131.2 Students—Bullying**

Page 121

Recommend the Board of Education receive for information the revision of Board Policy 5131.2 Students—Bullying.

**IV.A.3. Revision of Board Policy 5131.62 Students—Tobacco**

Page 128 Recommend the Board of Education receive for information the revision of Board Policy 5131.62 Students—Tobacco.

**IV.A.4. Revision of Administrative Regulation 5145.7 Students—Sexual Harassment**

Page 134 Recommend the Board of Education receive for information the revision of Administrative Regulation 5145.7 Students—Sexual Harassment.

**IV.B. HUMAN RESOURCES**

**IV.B.1. Revision of Board Policy and Administrative Regulation 1312.3 Community Relations—Uniform Complaint Procedures**

Page 142 Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 1312.3 Community Relations—Uniform Complaint Procedures.

**V. COMMUNICATIONS**

**BOARD MEMBERS AND SUPERINTENDENT**

**VI. ADJOURNMENT**

Date posted: August 26, 2016  
Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Grace Park, Ed.D., Director, Human Resources  
Lea Fellows, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: PUBLIC HEARING AND RATIFICATION OF THE TENTATIVE  
AGREEMENT BETWEEN THE CHINO VALLEY UNIFIED SCHOOL  
DISTRICT AND THE CALIFORNIA SCHOOL EMPLOYEES  
ASSOCIATION (CSEA) AND ITS CHINO CHAPTER 102**

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**BACKGROUND**

On June 29, 2016, the Chino Valley Unified School District and the CSEA and its Chino Chapter 102 reached a tentative agreement for a successor agreement, effective for the 2015/2016, 2016/2017, 2017/2018 school years. The Association membership approved the tentative agreement on August 24, 2016.

The District has provided the necessary Notice to the Public and fiscal disclosure documents to the San Bernardino County Superintendent of Schools for review ten days in advance of this pending action item, as required by Assembly Bill 1200. Additionally, the Board is required to conduct a public hearing in order to receive public input to any Board action.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education:

- a) Conduct a public hearing, and
- b) Ratify the Tentative Agreement between the Chino Valley Unified School District and the California School Employees Association and its Chino Chapter 102.

**FISCAL IMPACT**

See Form for Public Disclosure of Proposed Collective Bargaining Agreement for a full financial disclosure.



6-29-16  
lea

Date: 6/29/16  
Initials: JPP

**TENTATIVE AGREEMENT  
BETWEEN  
THE CHINO VALLEY UNIFIED SCHOOL DISTRICT  
AND  
THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION  
AND ITS CHINO CHAPTER 102  
2015 SUCCESSOR**

**June 29, 2016**

Pursuant to negotiations between the Chino Valley Unified School District (District) and the California School Employees Association (CSEA) and its Chino Chapter 102, a tentative agreement on the 2015 Successor Collective Bargaining Agreement was reached as follows:

This is an agreement made and entered into this ~~twenty-seventh day of June 2013~~ **TWENTY-NINTH DAY OF JUNE 2016** between CHINO VALLEY UNIFIED SCHOOL DISTRICT (hereinafter called "District") and ~~CHAPTER NO. 102 OF~~ the CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND ITS CHINO CHAPTER 102 (hereinafter called "Association"). This Agreement is pursuant to the Educational Employment Relations Act (hereinafter called EERA) and provides the following:

**ARTICLE 3: ASSOCIATION RIGHTS**

**3.1.1 DURING THE NEW EMPLOYEE PROCESS, THE DISTRICT SHALL GIVE A CSEA MEMBERSHIP APPLICATION AND MEMBERSHIP INFORMATION PACKET TO ALL NEW UNIT MEMBERS. THE MEMBERSHIP INFORMATION PACKET AND APPLICATION SHALL BE PROVIDED BY CSEA.**

**3.6** Whenever the District elects to form or revise a committee, the recommendation from which may have an effect upon a unit member (such as the District Budget Committee) the Association shall have representation equal to that of other employee groups. Prior to the formation or revision of said committee, the District shall communicate its intent to the Association President.

~~**3.6.1 If a Budget Committee is established by the District, C.S.E.A. shall have representation equal to that of other employee groups.**~~

**Remainder of Article 3: Status Quo**

**ARTICLE 6: HOURS**

**6.1.2** Any time required to be worked in excess of forty (40) hours in any calendar week or eight (8) hours in any work day shall be defined as "overtime" and shall be compensated at 1-1/2 (one and one half) times the regular rate of pay. ~~Overtime shall not be considered for the purpose of computing seniority.~~

**6.12 ADDITIONAL ASSIGNMENTS**

**6.12.1 WHEN UNIT MEMBERS ARE WORKING AS A SUBSTITUTE IN A DIFFERENT CLASSIFIED BARGAINING UNIT POSITION, THEY SHALL BE PAID AN HOURLY RATE EQUIVALENT TO STEP A OF THE RANGE ON THE CLASSIFIED SALARY SCHEDULE FOR THE CLASSIFICATION THEY ARE SUBSTITUTING IN.**

**6.12.2 WHEN UNIT MEMBERS ARE WORKING AS A SUBSTITUTE WITHIN THEIR SAME CLASSIFICATION, THEIR RATE OF PAY SHALL BE THEIR REGULAR RATE OF PAY ON THE CLASSIFIED SALARY SCHEDULE.**

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Date: 6/29/16  
Initials: JP

**6.12.3 WHEN UNIT MEMBERS ARE WORKING IN BOARD APPROVED SHORT TERM POSITIONS, THEIR RATE OF PAY SHALL NOT BE LESS THAN THEIR REGULAR RATE OF PAY DURING THE REGULAR SCHOOL YEAR.**

**6.13 SUMMER SCHOOL/INTERSESSION ASSIGNMENTS**

**6.13.1 THE DISTRICT SHALL NOT CONSIDER OUTSIDE APPLICANTS FOR POSITIONS FOR SUMMER SCHOOL/INTERSESSION IF THERE IS A UNIT MEMBER WHO MEETS THE MINIMUM REQUIREMENTS OF THE JOB DESCRIPTION. ASSIGNMENTS SHALL BE OFFERED ON A ROTATING BASIS TO UNIT MEMBERS WHO MEET THE MINIMUM REQUIREMENTS FOR THE POSITION.**

**INTERSESSION REFERS TO TIME PERIODS, LIKE SUMMER SCHOOL, WHEN STUDENTS PARTICIPATE IN EXTENDED PROGRAMS FOR REMEDIATION.**

**6.13.2 UNIT MEMBERS SHALL BE PAID NOT LESS THAN THEIR REGULAR RATE OF PAY THEY ARE PAID DURING THE REGULAR SCHOOL YEAR.**

**6.14 THE WORK YEAR FOR 12-MONTH UNIT MEMBERS SHALL INCLUDE ALL CALENDAR DAYS LESS HOLIDAYS, VACATION AND WEEKENDS. ALL DAYS WORKED IN EXCESS OF 260 DAYS SHALL BE AN ADDITIONAL DAYS PAY AND NOT CALCULATED WITHIN THE MONTHLY RATE OF 173.33. THE INTENT OF THIS LANGUAGE IS TO ASSURE THAT UNIT MEMBERS ARE PAID FOR ALL DAYS WORKED IN ACCORDANCE WITH LAW.**

Remainder of Article 6: Status Quo

**ARTICLE 7: HOLIDAYS**

7.3 Unit members working 241-261 **OR MORE** days per year will receive pay for all holidays, as scheduled above. Unit members in paid status 221-240 days per year will receive pay for all holidays except July 4, Independence Day. Unit members in a paid status less than 221 days per year will receive pay for all holidays so long as the unit member is in a paid status either the last working day before the scheduled holiday or the first working day following the scheduled holiday.

7.4 Effective with the 1995-96 school year, the District shall grant an additional holiday for all **UNIT MEMBERS** ~~classified employees of the bargaining unit.~~ This holiday shall be taken during the **UNIT MEMBER'S** employee's work year upon mutual agreement between the **UNIT MEMBER** employee and the **UNIT MEMBER'S** employee's supervisor. **WHEN SITE/DEPARTMENT OPERATIONAL NEEDS WILL BE IMPACTED, IF TWO (2) OR MORE UNIT MEMBERS** ~~employees put in for this holiday on~~ **REQUEST** the same day **OFF, THE UNIT MEMBER WHO SUBMITTED HIS/HER REQUEST FIRST SHALL BE GRANTED THE FLOATING HOLIDAY. IF TWO (2) OR MORE UNIT MEMBERS SUBMIT A REQUEST for the same day off ON THE SAME DAY** the most senior **UNIT MEMBER** employee shall be granted the day off. This provision only applies to the ~~floating~~ **FLOATING** holiday.

~~The Association realizes that an additional holiday will impact the workload of all unit employees with respect to their positions. The subsequent effect will not result in grievances or charges of unfair practices unless there is a violation of the master Contract or applicable laws.~~

Remainder of Article 7: Status Quo

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Date: 6/29/16  
Initials: YP

## **ARTICLE 8: VACATIONS**

8.4 Twelve-month unit members must take at least five (5) consecutive work days of vacation each fiscal year and shall take their vacation at a time approved in advance by the administrator in charge. Any change in vacation due to extenuating circumstances must be agreed to by both the unit member and the administrator in charge. Requests for more than five (5) consecutive work days of vacation shall be presented for approval at least sixty (60) calendar days in advance. If a unit member is denied vacation by an administrator, the unit member may appeal said denial to the Superintendent or his/her designee. **NOTIFICATION FOR USE OF VACATION FOR LESS THAN FIVE (5) DAYS SHALL BE MADE IN ADVANCE.**

Remainder of Article 8: Status Quo

## **ARTICLE 11: EVALUATIONS**

### **11.2 Probationary Employees (NEW TO THE DISTRICT)**

The length of ~~EFFECTIVE SEPTEMBER 1, 2016~~, the probationary period **FOR UNIT MEMBERS NEW TO THE DISTRICT** shall be ~~six (6)~~ **SEVEN (7) WORKING** months from the date of original employment. **THE DISTRICT SHALL PROVIDE THE FIRST** A written evaluation of the unit member's performance shall be made by the appropriate supervisor no later than the ~~second (2nd)~~ **END OF THE THIRD (3<sup>RD</sup>)** month. ~~A~~ **AND A** second evaluation shall be made no later than the end of the ~~fifth (5<sup>TH</sup>)~~ **SIXTH (6<sup>TH</sup>)** month. The unit member shall sign a statement on the evaluation report that he/she has read and received a copy. In an effort to help the employee become successful in the position, an additional evaluation may be given **DURING THE PROBATIONARY PERIOD** to assess his/her work performance. Following ~~ON~~ the ~~fifth (5) month~~ **FINAL** evaluation, the administrator shall recommend that the unit member be given permanent status or that his/her employment be terminated. **A PROBATIONARY UNIT MEMBER MAY BE RELEASED AT ANY TIME DURING THE SEVEN (7) WORKING MONTH PROBATIONARY PERIOD.**

### **Classified Handbook Page 4:**

**PROBATIONARY EMPLOYEES:** All new Classified personnel employed to fill a regularly-established full-time position or part-time position are employed on probationary status for the first ~~six~~ **SEVEN (6 7)** months of service and may be dismissed during this period without right of appeal or hearing. This period shall be used for determination of the employee's ability to meet the required standards of performance.

### **Probationary Period**

New employees serve a probationary period of ~~six~~ **SEVEN (6 7)** months. This is a trial period during which your supervisor must decide if you are qualified to attain permanent status. Your work will be evaluated two times during probation. Evaluations are scheduled to take place no later than the ~~second~~ **END OF THE THIRD** and ~~fifth~~ **END OF THE SIXTH** months on the job. The main purpose of each evaluation is to make sure that you and your supervisor communicate with each other about your job, what you are expected to do, how well you are doing it, and in which areas you may need special help. Termination can be effective at any time during the probationary period. If you successfully complete your probationary period, you become a permanent employee of the District and receive a step increase.

### **Anniversary Date:**

Your anniversary date establishes the date at which you move from step to step on the salary schedule. You will receive your first step increase after you pass probation (~~six~~ **SEVEN** months). Exception: If you do not work 50% of any given month, that month is not counted and your probation is extended. If you pass probation prior to the month of ~~April~~ **May**, your step increase date reverts to July 1 of each year until you reach the maximum step. If you pass probation after ~~April~~ **May**, your step increase will not take effect until the next year on July 1. Example (1): Your probation ends ~~March~~ **April** 5. You will receive a step increase on July 1 of that same year. Example (2) Your probation ends ~~April~~ **May** 2. You will not receive a step increase until July 1 of the following year.

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Initials: YP

### 11.3 Permanent Employees

11.3.1 Permanent unit members shall be evaluated at least once every two (2) years. Said evaluation shall occur within the forty-five (45) days prior to the unit member's anniversary date. EVALUATIONS SHALL BE COMPLETED PRIOR TO MAY 15.

11.3.1.1 THE PROBATIONARY PERIOD FOR PERMANENT UNIT MEMBERS SERVING IN A NEW POSITION (EMPLOYED IN A CLASSIFICATION THEY HAVE NEVER SERVED BEFORE) SHALL BE SIX (6) WORKING MONTHS FROM THE DATE OF EMPLOYMENT IN THE NEW POSITION. THE DISTRICT SHALL PROVIDE THE FIRST WRITTEN EVALUATION OF THE UNIT MEMBER'S PERFORMANCE NO LATER THAN THE END OF THE SECOND (2<sup>ND</sup>) MONTH AND A SECOND EVALUATION SHALL BE MADE NO LATER THAN THE END OF THE FIFTH (5<sup>TH</sup>) MONTH. IN AN EFFORT TO HELP THE UNIT MEMBER BECOME SUCCESSFUL IN THE POSITION, AN ADDITIONAL EVALUATION MAY BE GIVEN TO ASSESS HIS/HER WORK PERFORMANCE. FOLLOWING THE FIFTH (5<sup>TH</sup>) MONTH EVALUATION, THE ADMINISTRATOR SHALL RECOMMEND THE UNIT MEMBER BE GIVEN PERMANENT STATUS IN THAT ASSIGNMENT OR HIS/HER EMPLOYMENT IN THAT ASSIGNMENT BE TERMINATED. IF A UNIT MEMBER IS EVALUATED AS "UNSATISFACTORY" OR "NEEDS IMPROVEMENT", THE APPROPRIATE SUPERVISOR MUST HAVE, IN WRITING, PREVIOUSLY COUNSELED THE UNIT MEMBER AS TO HIS/HER DEFICIENCIES AND MADE SUGGESTIONS FOR IMPROVEMENT.

### 11.3.2 STATUS QUO

11.3.3 If a unit member is evaluated as "unsatisfactory" or "needs improvement" the appropriate supervisor must have, in writing, previously counseled the unit member as to his/her deficiencies and made suggestions for improvement. THE INTENT OF THIS SECTION IS TO PROVIDE UNIT MEMBERS THE OPPORTUNITY TO HAVE CONSTRUCTIVE NOTICE OF SPECIFIC DEFICIENCIES AND SUGGESTIONS FOR IMPROVEMENT.

11.3.3.1 WHEN A PERMANENT UNIT MEMBER FAILS TO PASS PROBATION IN A NEW POSITION, THE UNIT MEMBER SHALL BE RETURNED TO THEIR PREVIOUS CLASSIFICATION. UPON RETURN, THE UNIT MEMBER MAY REQUEST AN ADDITIONAL EVALUATION AFTER WORKING SIX (6) MONTHS WITH ONE SUPERVISOR. THE REQUEST MUST BE IN WRITING TO HIS/HER SUPERVISOR. THE SUPERVISOR SHALL COMPLETE THE EVALUATION WITHIN FIFTEEN (15) WORK DAYS OF THE REQUEST.

Remainder of Article 11: Status Quo

## ARTICLE 12: WAGES AND BENEFITS

### 12.1 Wages

#### 12.1.1 2013-2014 2015-2016 School Year

The District and the Association agree to maintain the July 1, 2007 Classified Salary Schedule for the 2012-2013 school year.

UNIT MEMBERS WHO ARE IN PAID STATUS BETWEEN NOVEMBER 1, 2015 – FEBRUARY 29, 2016 SHALL RECEIVE A 2.5% OFF-SCHEDULE ONE-TIME PAYMENT. THIS PAYMENT WILL BE ON THE BASE SALARY RECEIVED IN THE 2015-2016 SCHOOL YEAR.

#### 12.1.2 2014-2015 2016-2017 School Year

The District shall provide a 3.5% 3% ON-GOING on-schedule salary increase effective July 1, 2013 2016.



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Date: 6/29/16  
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### 12.1.3 2017-2018 SCHOOL YEAR

The District shall provide a 2% on-schedule salary increase effective July 1, 2014.

### THE DISTRICT AND THE ASSOCIATION SHALL NEGOTIATE SALARY AS A REOPENER FOR THE 2017-2018 SCHOOL YEAR.

### 12.1.4 EQUITY COMPENSATION PACKAGE

In an effort to maintain compensation package equity between employees, if other employee groups receive a compensation package which exceed the percentage increases received within this agreement (2013-2014 and 2014-2015 school year only 2015-2016, 2016-2017 and 2017-2018 school years only), the district shall confer with the association to determine distribution of the difference to unit members.

### 12.2 Health and Welfare Benefits

The District's Health and Welfare Benefits Committee shall continue to review alternatives to the District's current health and welfare plans. The purpose of this committee shall be to study and analyze health and welfare plan options and to negotiate changes regarding health and welfare plans that are both cost effective and service oriented prior to the implementation of a cost increase.

Beginning the 2006-2007 insurance year, the District shall increase the benefits cap from \$7,898 by \$667, which is equivalent to a 1.5% salary increase. This shall increase the annual maximum contribution for the health and welfare benefits cap to \$8,565 for medical, dental, vision, and life insurance benefits for each eligible bargaining unit member.

EFFECTIVE JULY 1, 2014, THE HEALTH AND WELFARE BENEFITS CAP SHALL BE INCREASED TO \$9,422.00 (THE INCREASE IN BENEFITS CAP FROM \$8,565.00 TO \$9,422.00 IS APPROXIMATELY EQUIVALENT TO A 1% SALARY INCREASE).

#### 12.2.1 2012-2013 2016 PLAN School Year

For the 2012-2013 2016 PLAN school year the District-paid Health and Welfare Benefits cap shall remain \$8,565 AT \$9,422, THE NEGOTIATED ON-GOING AMOUNT.

#### 12.2.2 2013-2014 2017 PLAN School Year

For the 2013-2014 school year the District-paid Health and Welfare Benefits Cap shall remain at \$8,565.00.

THE DISTRICT AND THE ASSOCIATION SHALL NEGOTIATE ANY CHANGES TO THE HEALTH AND WELFARE BENEFITS CAP OF \$9,422.00 FOR THE 2017 PLAN YEAR.

#### 12.2.3 2014-2015 2018 PLAN School Year

Effective July 1, 2014, the Health and Welfare Benefits Cap shall be increased to \$9,422.00 (the increase in benefits cap from \$8,565.00 to \$9,422.00 is approximately equivalent to a 1% salary increase).

THE DISTRICT AND THE ASSOCIATION SHALL NEGOTIATE ANY CHANGES TO THE HEALTH AND WELFARE BENEFITS CAP OF \$9,422.00 FOR THE 2018 PLAN YEAR.

12.2.4 The District's contribution for fringe benefits for employees UNIT MEMBERS working twenty (20) hours or more per week shall be based on the same percentage basis as used to compute the unit members salary.

- i.e. 20 hours per week = 50% District paid fringe benefits contribution.
- 30 hours per week = 75% District paid fringe benefits contribution.
- 40 hours per week = 100% District paid fringe benefits contribution.

Unit members working between 20 OR MORE and 40 hours per week, who at the time of the signing of this Agreement, (May 21, 1992), were receiving full benefits ON MAY 21, 1992, will continue to receive said benefits as provided in Section 12.2 of this Agreement.

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Date: 6/29/16  
Initials: yp

### 12.3 Professional Growth - Tuition Reimbursement

The District will maintain a tuition reimbursement program for ~~members of the bargaining unit~~ MEMBERS so as to enable unit members to achieve professional growth. The following provisions will apply to said program.

12.3.1 The District shall contribute ~~ten thousand (\$10,000)~~ THE ACTUAL COST UP TO THIRTY THOUSAND (\$30,000.00) dollars each school year to reimburse the costs of tuition, mandatory fees, and the costs of books for ~~bargaining~~ unit members who take courses at qualifying institutions where such courses are reasonably related to the position held by the employee UNIT MEMBER or are reasonably related to positions within the District for which the employee UNIT MEMBER could expect to become qualified. Employees UNIT MEMBERS, upon written request shall be eligible for an amount of \$200 \$400 dollars a semester and \$400 \$800 dollars a year. The parties agree to negotiate on additional funding for this program in the event the allocation of funds referred to above is expended prior to the end of any given school year.

### Remainder of Article 12: Status Quo

## ARTICLE 13: RECLASSIFICATION

13.1 Reclassification is defined as a position that has a permanent increase of duties and responsibilities which have been assigned by the District and are inconsistent with the current job description of the position.

### 13.1.1 Reclassification REQUEST

A request for reclassification(s) for a unit member(s) may be made by the Association; however, unit members may request reclassification directly to the Human Resources Office. Such requests shall be in writing. Reclassification requests shall be reviewed and completed within a reasonable length of time [not to exceed eighteen (18) months in duration]. ~~The Reclassification Committee composition shall be determined by the Assistant Superintendent of Human Resources and the Association President.~~

13.1.1.1 A JOINT RECLASSIFICATION COMMITTEE (COMMITTEE), COMPRISED OF NO MORE THAN FOUR (4) MEMBERS APPOINTED BY THE ASSOCIATION AND NO MORE THAN FOUR (4) MEMBERS APPOINTED BY THE DISTRICT, SHALL CONSIDER ALL RECLASSIFICATION REQUESTS RECEIVED. REQUESTS WILL BE REVIEWED AND EVALUATED BY THE COMMITTEE AND A RECOMMENDATION WILL BE MADE FOR THE BOARD OF EDUCATION'S CONSIDERATION.

### Remainder of Article 13: Status Quo

## ARTICLE 14: LEAVE PROVISIONS

### 14.3 Sick Leave

14.3.1 A unit member who is absent due to personal illness and/or injury, including a disability resulting from pregnancy; childbirth; and miscarriage; OR IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING; AND FOR THE DIAGNOSIS, CARE, OR TREATMENT OF AN EXISTING HEALTH CONDITION OF, OR PREVENTATIVE CARE FOR A UNIT MEMBER'S IMMEDIATE FAMILY MEMBER AS DEFINED IN SECTION 14.5.3; shall be allowed full pay for the number of days absent, provided that the number of days absent does not exceed the employee's UNIT MEMBER'S total accumulated days of sick leave. The entitlement of sick leave shall be one (1) day per month. Sick leave shall be expressed in hours on all business records.

### 14.7 Personal Necessity

14.7.1 A classified unit member serving in a status which entitled the unit member to illness or injury leave pay may, at the unit member's election, be placed on a personal necessity leave. A unit member shall be entitled to use a maximum of ten (10) days of accumulated sick leave each school year for personal necessity leave. Personal necessity leave may be used for any of the purposes listed below. In each case the appropriate administrator shall be notified as soon as possible.

- a) The death of a member of the unit member's immediate family when the number of days absent exceeds the limit provided in the bereavement leave policy. The total number of days shall not exceed the total number of days of bereavement leave provided in 14.5 plus seven (7) days of personal necessity leave.

6/29/16  
RAB

Date: 6/29/16  
Initials: JRP

- b) To attend a funeral for other than immediate family. The total number of days shall not exceed ten (10) days.
- cb) An accident involving the unit member's property or the person or property of any member of the unit member's immediate family. Such accident must be serious in nature, involve circumstances the unit member cannot reasonably be expected to disregard, and require the attention of the unit member during his/her assigned hours of service. The total number of days shall not exceed ten (10) days.
- e) ~~Serious or critical illness of a member of the immediate family that requires the services of a physician and of such an emergency nature that the immediate presence of the employee is required during the work day. The term "immediate family" shall be as defined in 14.5.3 of this Agreement. The total number of days shall not exceed ten (10) days.~~
- de) Appearance in court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction. Each date of necessary attendance under such order, other than the date specified in the subpoena, shall be certified by the clerk or authorized officer of the court or other official of a body with jurisdiction. In any case in which a witness fee is payable, such fee shall be collected by the employee and remitted to the District.
- ef) Personal Business Leave up to a maximum of two (2) days per fiscal year from the ten (10) days allocated herein.
- fg) Marriage of the unit member or a member's "immediate family" (see Section 14.5.3) for no more than seven (7) days per year, provided that advance approval from appropriate supervisor is provided.

#### Remainder of Article 14: Status Quo

### ARTICLE 21: NEGOTIATIONS PROCEDURES

#### 21.4 Reopening of Negotiations

For the ~~2013-2014~~ 2016-2017 and ~~2014-2015~~ 2017-2018 fiscal years, the Association and the District shall reopen negotiations on Wages Section 12.1 and Health and Welfare Benefits Section 12.2. In addition, by mutual agreement, the Association and the District may open additional articles.

~~The District and the Association mutually agree to reopen Article 9 as part of the 2013-2014 negotiations.~~

### ARTICLE 22: TERM

This agreement shall remain in full force and effect from July 1, ~~2012~~ 2015, through June 30, ~~2015~~ 2018.

The CBA and handbook shall be proofed for correct Article/Section reference number(s) updates/errors, spelling and formatting as appropriate.

6-29-16  
lea

Date: 6/29/16  
Initials: JP

This Tentative Agreement is subject to ratification by the CSEA Chino Chapter 102 membership, CSEA Policy 610 requirements and adoption by the Chino Valley Unified School District Board of Education.

For the Association:

Denise Arroyo  
Denise Arroyo  
President, CSEA Chapter 102

6/29/16  
Date

Daniel Hernandez  
Daniel Hernandez  
1<sup>st</sup> Vice President, CSEA Chapter 102  
6/29/16  
Date

Mike Smith  
Mike Smith  
2<sup>nd</sup> Vice President, CSEA Chapter 102  
6/29/16  
Date

Diane McEvilly  
Diane McEvilly, Treasurer  
CSEA Chapter 102  
6/29/16  
Date

Danny Torres  
Danny Torres  
CSEA Sr. Labor Relations Representative  
6/29/16  
Date

For the District:

Grace Park  
Grace Park, Ed.D.  
Assistant Superintendent, Human Resources

6/29/16  
Date

Sandra Chen  
Sandra Chen  
Assistant Superintendent, Business  
6/29/16  
Date

Lea Fellows  
Lea Fellows  
Director of Human Resources  
6/29/16  
Date

Jane Sousa  
Jane Sousa  
Personnel Technician  
6/29/16  
Date

Richard Rideout  
Richard Rideout  
Director of Human Resources  
6/29/16  
Date



**FORM FOR PUBLIC DISCLOSURE  
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT  
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756  
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2 )**

**Chino Valley Unified**

**SCHOOL DISTRICT**

Government Code Section 3547.5: **Before** a public school employer enters into a written agreement with an exclusive representative covering matters within the scope of representation, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years, shall be disclosed at a public meeting of the public school employer.

Intent of Legislation: To ensure that members of the public are informed of the major provisions of a collective bargaining agreement before it becomes binding on the school district.

*(This information is pulled from the SUMMARY section of this file which should be completed FIRST)*

**MAJOR PROVISIONS OF PROPOSED AGREEMENT WITH THE**

**Classified School Employees Association (CSEA)**

**BARGAINING UNIT**

To be acted upon by the Governing Board at its meeting on

**09/01/16**

**A. PERIOD OF AGREEMENT:**

The proposed bargaining agreement covers the period beginning and ending  
for the following fiscal years **13/14**

**07/01/15**

**06/30/16**

**13/14, 14/15, 15/16**

**B. TOTAL COST CHANGE TO IMPLEMENT PROPOSED AGREEMENT (SALARIES & BENEFITS)**

The total change in costs for salaries and employee benefits in the proposed agreement:

1. Current Year Costs Before Agreement

**\$42,355,268.00**

2. Current Year Costs After Agreement

**\$44,896,584.00**

3. Total Cost Change

**\$2,541,316.00**

4. Percentage Change

**6.00%**

5. Value of a 1% Change

**423,553**

**C. PERCENTAGE SALARY CHANGE FOR AVERAGE, REPRESENTED EMPLOYEE**

The total percentage change in salary, including annual step and column movement on the salary schedule (as applicable), for the average, represented employee under this proposed agreement:

1. Salary Schedule change

(% Change To Existing Salary Schedule)

**3.5%**

(% change for one time bonus/stipend or salary reduction)

**2.5%**

2. Step & Column

(Average % Change Over Prior Year Salary Schedule)

**1.0%**

3. TOTAL PERCENTAGE CHANGE FOR THE  
AVERAGE, REPRESENTED EMPLOYEE

**7%**

4. Change in # of Work Days (+/-) Related to % Change

5. Total # of Work Days to be provided in Fiscal Year

**VARIES**

6. Total # of Instructional Days to be provided in Fiscal Year  
(applicable to Certificated BU agreements only)

**180**

**FORM FOR PUBLIC DISCLOSURE  
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT  
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756  
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2)**

**Chino Valley Unified**

**SCHOOL DISTRICT**

**D. PERCENTAGE BENEFITS CHANGE FOR BOTH STATUTORY AND DISTRICT-PROVIDED EMPLOYEE BENEFITS INCLUDED IN THIS PROPOSED AGREEMENT:**

1. Cost of Benefits Before Agreement
2. Cost of Benefits After Agreement
3. Percentage Change in Total Costs

**8,017,799.00**

**8,498,867.00**

**6.00%**

**E. IMPACT OF PROPOSED AGREEMENT ON DISTRICT RESERVES**

State-Recommended Minimum Reserve Level (after implementation of Proposed Agreement)

1. Based On Total Expenditures and Other Uses in the General Fund of:
2. Percentage Reserve Level State Standard for District:
3. Amount of State Minimum Reserve Standard:

**\$ 284,537,825.00**

**3.0%**

**\$ 8,536,134.75**

**SUFFICIENCY OF DISTRICT UNRESTRICTED RESERVES to meet the minimum recommended level AFTER IMPLEMENTATION OF PROPOSED AGREEMENT:**

**GENERAL FUND RESERVES (Fund 01 Unrestricted ONLY)**

4. Reserve for Economic Uncertainties (Object 9789)
5. Unassigned/Unappropriated (Object 9790)
6. **Total Reserves: (Object 9789 + 9790)**

**\$25,315,401.00**

**\$27,714,760.00**

**\$53,030,161.00**

**SPECIAL RESERVE FUND (Fund 17, as applicable)**

7. Reserve for Economic Uncertainties (Object 9789)

**TOTAL DISTRICT RESERVES, applicable to State Minimum Reserve Standard:**

8. General Fund & Special Reserve Fund:
9. Percentage of General Fund Expenditures/Uses

**\$53,030,161.00**

**18.64%**

**Difference between District Reserves and Minimum State Requirement**

**\$44,494,026.25**

**FORM FOR PUBLIC DISCLOSURE  
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT  
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756  
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2 )**

*Chino Valley Unified*

SCHOOL DISTRICT

**F. MULTIYEAR CONTRACT AGREEMENT PROVISIONS**

N/A

**G. FINANCIAL IMPACT OF PROPOSED AGREEMENT IN SUBSEQUENT FISCAL YEARS**

The following assumptions were used to determine that resources will be available to fund these obligations in future fiscal years (including any compensation and/or noncompensation provisions specified below that have been agreed upon if the proposed agreement is part of a multi-year contract):

The assumptions used to project the available funds were the COLA and gap funding percentages provided by School Services of California. Other assumptions included projections for continuing declining enrollment, including loss of ADA, reduction of staff and loss of other state funding.

**H. NARRATIVE OF AGREEMENT**

The District shall provide a 3.5% on-going on-schedule salary increase effective July 1, 2016. Unit members who are in paid status between November 1, 2015 - February 29, 2016 shall receive a 2.5% off-schedule one-time payment. This payment will be on the base salary received in the 2015-2016 school year.

**I. SOURCE OF FUNDING FOR PROPOSED AGREEMENT**

The following source(s) of funding have been identified to fund the proposed agreement

The district is using LCFF base funding to fund the proposed agreement.

**FORM FOR PUBLIC DISCLOSURE  
OF PROPOSED COLLECTIVE BARGAINING AGREEMENT**  
(AB1200 (Statutes of 1991, Chapter 1213) as revised by AB 2756  
(Statutes of 2004, Chapter 25), Government Code 3547.5 & 3540.2 )

**Chino Valley Unified**

**SCHOOL DISTRICT**

**CERTIFICATION**

*To be signed by the District Superintendent AND Chief Business Official when submitted for Public Disclosure and by the Board President after formal action by the Governing Board on the proposed agreement.*

*Districts with a Qualified or Negative Certification: Per Government Code 3540.2, signatures of the District Superintendent and Chief Business Official must accompany the Summary Disclosure sent to the County Superintendent for review 10 days prior to the board meeting that will ratify the agreement.*

*The information provided in this document summarizes the financial implications of the proposed agreement and is submitted for public disclosure in accordance with the requirements of AB 1200, AB 2756 and GC 3547.5.*

*We hereby certify that the costs incurred by the school district under this agreement can be met by the district during the term of the agreement.*

*District Superintendent - signature*

*Date*

*Chief Business Official- signature*

*Date*

*After public disclosure of the major provisions contained in this Summary, the Governing Board, at its meeting on ##### took action to approve the proposed Agreement with the \_\_\_\_\_ Bargaining Unit.*

*President, Governing Board  
(signature)*

*Date*

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Human Resources  
Lea Fellows, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: APPROVAL OF SALARY INCREASE FOR MANAGEMENT AND  
CLASSIFIED CONFIDENTIAL EMPLOYEES**

=====

**BACKGROUND**

The District has a practice of providing unrepresented employees, i.e., management and classified confidential employees, with increases in salary as provided to other bargaining units. As a result of the recent tentative agreement between the District and the Associated Chino Teachers, and the anticipated ratification of the tentative agreement with the California School Employees Association, and its Chino Chapter 102, a recommendation for a salary increase for unrepresented employees is now being brought before the Board.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the salary increase for management and classified confidential employees, as follows:

- a) For employees in paid status between November 1, 2015, through February 29, 2016, shall receive a 2.5% off schedule one-time payment. This payment will be on the base salary received in the 2015/2016 school year, and
- b) Effective July 1, 2016, the District shall provide a 3.5% on going on schedule salary increase.

**FISCAL IMPACT**

\$1,155,326 to the General Fund.

WMJ:GP:LF:RR:mcm

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Grace Park Ed.D., Assistant Superintendent, Human Resources  
Lea Fellows, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: ADDENDUM TO THE EMPLOYMENT CONTRACTS FOR THE  
SUPERINTENDENT; DEPUTY SUPERINTENDENT; AND THE  
ASSISTANT SUPERINTENDENTS OF BUSINESS SERVICES;  
EDUCATIONAL SERVICES; FACILITIES, PLANNING AND  
OPERATIONS; AND HUMAN RESOURCES DIVISIONS OF THE  
CHINO VALLEY UNIFIED SCHOOL DISTRICT**

=====

**BACKGROUND**

Government Code 53262 requires that “all contracts with a superintendent, deputy superintendent, assistant superintendent, associate superintendent...of a local agency shall be ratified in an open session of the governing body which shall be reflected in the governing body’s minutes.”

On July 21, 2016, the Board ratified the tentative agreement with the Associated Chino Teachers, which provided for a one time off schedule payment for the 2015/2016 school year and an ongoing salary increase effective July 1, 2016. Additionally, at the September 1, 2016, Board meeting, it is anticipated that the Board will ratify the following items:

- A tentative agreement with the California School Employee Association and its Chino Chapter 102, which includes a salary increase and
- A salary increase for management, and classified confidential employees.

In light of the increases recommended for all District employees, the Board is asked to approve an addendum to the employment contracts for the Superintendent; Deputy Superintendent; and the Assistant Superintendents of Business Services; Educational Services; Facilities, Planning and Operations; and Human Resources Divisions that is not less than the percentage increase granted to all employees of the District.

Approval of this item supports the goals identified within the District’s Strategic Plan.

## **RECOMMENDATION**

It is recommended the Board of Education approve the addendum to the employment contracts for the Superintendent; Deputy Superintendent; and the Assistant Superintendents of Business Services; Educational Services; Facilities, Planning and Operations; and Human Resources Divisions as follows:

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

## **FISCAL IMPACT**

\$73,886 to the General Fund for the Superintendent, Deputy Superintendent, and Assistant Superintendents.

WMJ:GP:LF:RR:mcm

ADDENDUM TO CONTRACT FOR EMPLOYMENT OF  
SUPERINTENDENT  
BETWEEN THE BOARD OF EDUCATION  
OF THE  
CHINO VALLEY UNIFIED SCHOOL DISTRICT  
  
COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
WAYNE M. JOSEPH

The November 20, 2014, Contract for Employment for Wayne M. Joseph, Superintendent, shall be amended as set forth below:

Item 2 – Salary

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

All other provisions of the Contract for Employment shall remain unchanged.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

County of San Bernardino, California

\_\_\_\_\_  
Andrew Cruz, President                      Date

\_\_\_\_\_  
Sylvia Orozco, Vice-President                      Date

\_\_\_\_\_  
Pamela Feix, Clerk                      Date

\_\_\_\_\_  
Irene Hernandez-Blair, Member                      Date

\_\_\_\_\_  
James Na, Member                      Date

SIGNATURE OF THE SUPERINTENDENT

\_\_\_\_\_  
Wayne M. Joseph                      Date



ADDENDUM TO CONTRACT FOR EMPLOYMENT OF  
DEPUTY SUPERINTENDENT  
BETWEEN THE BOARD OF EDUCATION  
OF THE  
CHINO VALLEY UNIFIED SCHOOL DISTRICT  
  
COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
NORMAN P. ENFIELD, ED.D.

The March 19, 2015, Contract for Employment for Norman P. Enfield, Ed.D., Deputy Superintendent, shall be amended as set forth below:

Item 2 – Salary

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the base salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

All other provisions of the Contract for Employment shall remain unchanged.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

County of San Bernardino, California

\_\_\_\_\_  
Andrew Cruz, President                      Date

\_\_\_\_\_  
Sylvia Orozco, Vice-President                      Date

\_\_\_\_\_  
Pamela Feix, Clerk                      Date

\_\_\_\_\_  
Irene Hernandez-Blair, Member                      Date

\_\_\_\_\_  
James Na, Member                      Date

SIGNATURE OF THE DEPUTY SUPERINTENDENT

\_\_\_\_\_  
Norman P. Enfield, Ed.D.                      Date

COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
SANDRA H. CHEN

## Item 2 – Salary

- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

---

Andrew Cruz, President
Date

Pamela Feix, Clerk Date

James Na, Member Date

---

---

Sandra H. Chen

Date

ADDENDUM TO CONTRACT FOR EMPLOYMENT OF  
ASSISTANT SUPERINTENDENT OF EDUCATIONAL SERVICES  
BETWEEN THE BOARD OF EDUCATION  
OF THE  
CHINO VALLEY UNIFIED SCHOOL DISTRICT  
  
COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
JEANETTE RODRIGUEZ-CHIEN, ED.D.

The September 17, 2015, Contract for Employment for Jeanette Rodriguez-Chien, Ed.D., Assistant Superintendent, Educational Services, shall be amended as set forth below:

Item 2 – Salary

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the base salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

All other provisions of the Contract for Employment shall remain unchanged.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

County of San Bernardino, California

\_\_\_\_\_  
Andrew Cruz, President                      Date

\_\_\_\_\_  
Sylvia Orozco, Vice-President                      Date

\_\_\_\_\_  
Pamela Feix, Clerk                      Date

\_\_\_\_\_  
Irene Hernandez-Blair, Member                      Date

\_\_\_\_\_  
James Na, Member                      Date

SIGNATURE OF THE ASSISTANT SUPERINTENDENT

\_\_\_\_\_  
Jeanette Rodriguez-Chien, Ed.D.                      Date

COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
GREGORY J. STACHURA

## Item 2 – Salary

- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

---

Andrew Cruz, President
Date

Pamela Feix, Clerk Date

James Na, Member Date

Gregory J. Stachura Date

ADDENDUM TO CONTRACT FOR EMPLOYMENT OF  
ASSISTANT SUPERINTENDENT OF HUMAN RESOURCES  
BETWEEN THE BOARD OF EDUCATION  
OF THE  
CHINO VALLEY UNIFIED SCHOOL DISTRICT  
  
COUNTY OF SAN BERNARDINO, CALIFORNIA  
AND  
GRACE PARK, ED.D.

The March 19, 2015, Contract for Employment for Grace Park, Ed.D., Assistant Superintendent, Human Resources, shall be amended as set forth below:

Item 2 – Salary

- a) For the 2015/2016 school year, receive a 2.5% off schedule one-time payment. This payment will be on the base salary received in the 2015/2016 school year, and
- b) For the 2016/2017 school year, provide a 3.5% salary increase retroactive to July 1, 2016.

All other provisions of the Contract for Employment shall remain unchanged.

SIGNATURE OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT

County of San Bernardino, California

\_\_\_\_\_  
Andrew Cruz, President                      Date

\_\_\_\_\_  
Sylvia Orozco, Vice-President                      Date

\_\_\_\_\_  
Pamela Feix, Clerk                      Date

\_\_\_\_\_  
Irene Hernandez-Blair, Member                      Date

\_\_\_\_\_  
James Na, Member                      Date

SIGNATURE OF THE ASSISTANT SUPERINTENDENT

\_\_\_\_\_  
Grace Park, Ed.D.                      Date

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**August 18, 2016**

**MINUTES**

<b>I. OPENING BUSINESS</b>
----------------------------

**I.A. CALL TO ORDER – 5:45 P.M.**

1. Roll Call

President Cruz called to order the regular meeting of the Board of Education, Thursday, August 18, 2016, at 5:45 p.m. with Blair, Cruz, and Feix present. Mr. Na arrived at 5:52 p.m. and Mrs. Orozco was absent.

Administrative Personnel

Wayne M. Joseph, Superintendent

Norm Enfield, Ed.D., Deputy Superintendent

Sandra H. Chen, Assistant Superintendent, Business Services

Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services (absent)

Grace Park, Ed.D., Assistant Superintendent, Human Resources

Gregory J. Stachura, Assistant Supt., Facilities, Planning, and Operations

2. Public Comment on Closed Session Items

None.

3. Closed Session

President Cruz adjourned to closed session at 5:45 p.m. regarding conference with legal counsel existing litigation; public employee appointment: Director, Nutrition Services and elementary assistant principal; public employee discipline/dismissal/release; and public employee performance evaluation, Superintendent.

**I.B. RECONVENE TO REGULAR OPEN MEETING – 7:00 P.M.**

1. Report Closed Session Action

President Cruz reconvened the regular meeting of the Board of Education at 7:00 p.m. The Board met in closed session from 5:45 p.m. to 6:52 p.m. regarding conference with legal counsel existing litigation; public employee appointment: Director, Nutrition Services and elementary assistant principal; public employee discipline/dismissal/release; and public employee performance evaluation, Superintendent. The Board took action by a vote of 4-0 (Orozco absent) to appoint Barbara Bearden as assistant principal of Country Springs ES effective August 19, 2016; and voted to

appoint Javier Quirarte as Director of Nutrition Services effective August 19, 2016, by a vote of 4-0 (Orozco absent). No further action was taken that required public disclosure.

2. Pledge of Allegiance

Student representative Carlos Ruelas led the Pledge of Allegiance.

**I.C. RECOGNITIONS**

1. Diane Murillo, Teacher, Chino HS

President Cruz presented Diane Murillo with a certificate in recognition of her students' success in Advanced Placement Calculus BC testing.

2. Sherry Ma, School Nurse, Health Services

President Cruz presented a certificate of recognition to school nurse Sherry Ma for her work, support, and encouragement to the students of Buena Vista HS.

**I.D. COMMENTS FROM STUDENT REPRESENTATIVE**

Carlos Ruelas said it was an honor to be on the Board and said he is really excited about the District.

**I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES**

Todd Hancock, A.C.T. President, welcomed back administrators at the various school sites; spoke about teachers being given more time in the classroom to prepare for the return of students; acknowledged Diane Murillo; spoke about school nurses; expressed concern about Board Policy 6142.92 because he was not aware of revisions; spoke about staff development days; spoke about components needed for students to excel; and thanked the Board for giving teachers one additional PLC per month.

Denise Arroyo, CSEA President, said she loves working for the District even when there are times of disagreement; extended welcome back greetings; congratulated Chino HS students; spoke about the challenging start to the school year with the computer system not working; explained that CSEA was not present during the August 4 special Board meeting because they were at the annual CSEA conference; asked why a video of the meeting was not available online; said she has invited Superintendent Joseph and Greg Stachura to its Chapter meeting on October 4 to discuss the bond; said she was disappointed about Superintendent Joseph's comments regarding the District bond because he did not mention classified staff; spoke about staffing at proposed new facilities; spoke about the CSEA annual conference; and said that the CSEA can provide support to unit members who may have been affected during the recent fires in the high desert.

Yvette Farley, CHAMP President, extended a welcome back to school; spoke about last year's challenges and accomplishments; and thanked classified staff for working extra hard to prepare schools for the first day of school.

#### **I.F. COMMENTS FROM COMMUNITY LIAISONS**

Art Bennett, Chino Hills Council, welcomed back everyone; shared events in Chino Hills; spoke about Chino Hills supporting law enforcement by providing blue light bulbs to the community at cost; said the next regular council meeting is cancelled; and extended Labor Day weekend wishes.

Karen Haughey, Field Representative, Supervisor Curt Hagman's Office, reported upcoming County events including the Pet Adoption Extravaganza on August 27 at Priceless Pets in Chino Hills; an upcoming Frontier Communications help day; and a veterans' appreciation day on November 18 at Westwind Community Park in Ontario.

#### **I.G. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA**

Pauline Corse addressed the Board regarding the election; Zabia Dabbous addressed the Board regarding the school year's early start; and Sharon Duran addressed the Board to introduce new PFA board members, and regarding Walnut ES's 50<sup>th</sup> Anniversary tentatively scheduled for November 4.

#### **I.H. CHANGES AND DELETIONS**

The following items were read into the record: Item II.A.1., was yellow-sheeted with corrections to 2<sup>nd</sup> paragraph and Section 15; Item III.E.2., CIIS 1617-018 corrected duration of contract to end June 30, 2017; F-1617-003 corrected name from Classing Leasing Inc., to Class Leasing Inc; Item IV.C.1., Student Attendance Calendar for the 2017/2018 School Year was pulled from the agenda.

## **II. ACTION**

### **II.A. FACILITIES, PLANNING, AND OPERATIONS**

#### **II.A.1. Public Hearing on the Change of Statutory Developer Fees (Level 1) and Adoption of Resolution 2016/2017-04 Approving a Change in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code 17620 and Government Code 65995**

President Cruz opened the public hearing regarding the change of statutory developer fees (Level 1) on residential and commercial/industrial development at 7:51 p.m. There were no speakers, and President Cruz closed the public



hearing at 7:51 p.m. Moved (Blair) seconded (Feix) motion carried (3-1, Cruz voted no, Orozco absent) to adopt Resolution 2016/2017-04 Approving a Change in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code 17620 and Government Code 65995, as amended. Student representative voted yes.

<b>III.      CONSENT</b>
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Pamela Feix pulled for separate action item III.A.3., and Irene Hernandez-Blair pulled for separate action item III.C.3. Moved (Blair) seconded (Na) motion carried (4-0, Orozco absent) to approve the remainder of the consent items, as amended. Student representative voted yes.

**III.A.      ADMINISTRATION**

**III.A.1.      Minutes of the Regular Meeting of July 21, 2016, and Special Meeting of August 4, 2016**

Approved the minutes of the regular meeting of July 21, 2016, and special meeting of August 4, 2016.

**III.A.2.      Revision of Board Bylaw 9150 Bylaws of the Board—Student Board Members**

Approved the revision of Board Bylaw 9150 Bylaws of the Board—Student Board Members.

**III.A.3.      Richard Gird Educational Hall of Fame 2016 Inductees**

Moved (Na) seconded (Blair) motion carried (4-0, Orozco absent) to approve the Richard Gird Educational Hall of Fame 2016 inductees: Alumni Recipient: Chad Cordero; Distinguished Service Recipient: Frank Elder; and Employee Recipient: Kay Hallmark. Student representative voted yes.

**III.B.      BUSINESS SERVICES**

**III.B.1.      Warrant Register**

Approved/ratified the warrant register.

**III.B.2.      Fundraising Activities**

Approved/ratified the fundraising activities.

**III.B.3.      Donations**

Accepted the donations.

**III.B.4.      Legal Services**

Approved payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; and Chidester, Margaret A. & Associates.

**III.C. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT**

**III.C.1. Agricultural Career Technical Education Incentive Grant 2016/2017 Application for Funding for Don Lugo HS**

Approved the Agricultural Career Technical Education Incentive Grant 2016/2017 Application for Funding for Don Lugo HS.

**III.C.2. 2016/2017 Expulsion Hearing Administrative Panel**

Approved the 2016/2017 Expulsion Hearing Administrative Panel.

**III.C.3. Revision of Board Policy 6142.92 Instruction—Mathematics Instruction**

Moved (Blair) seconded (Na) motion carried (4-0, Orozco absent) to pull this item from the agenda. Student representative voted yes.

**III.D. EDUCATIONAL SERVICES**

**III.D.1. School-Sponsored Trips**

Approved/ratified the following school-sponsored trips: Cattle ES; Chaparral ES; Rolling Ridge ES; Wickman ES; Ramona JHS; Ayala HS; and Chino HS.

**III.E. FACILITIES, PLANNING, AND OPERATIONS**

**III.E.1. Purchase Order Register**

Approved/ratified the purchase order register.

**III.E.2. Agreements for Contractor/Consultant Services**

Approved/ratified the Agreements for Contractor/Consultant Services, as amended.

**III.E.3. Surplus/Obsolete Property**

Declared the District property surplus/obsolete and authorized staff to sell/dispose of said property.

**III.E.4. Resolution 2016/2017-05 for Authorization to Utilize a Piggyback Contract**

Adopted Resolution 2016/2017-05 for authorization to utilize a piggyback contract.

**III.E.5. Change Order for Bid 14-15-10, Renovation of Professional Development Center II**

Approved the change order for Bid 14-15-10, Renovation of Professional Development Center II.

**III.E.6. Notice of Completion for CUPCCAA Project**

Approved the Notice of Completion for CUPCCAA Project.

**III.E.7. Approval of the Joint Use Agreement for Use of the Synthetic Track at Chino HS Between Chino Valley Unified School District and the City of Chino**

Approved the joint use agreement for use of the synthetic track at Chino HS between the Chino Valley Unified School District and City of Chino.

**III.E.8. License Agreement with Lewis Community Developers for Access and Improvements to the Former Higgins Brick Property from Chino Hills HS**

Approved the License Agreement with Lewis Community Developers for Access and Improvements to the Former Higgins Brick Property from Chino Hills HS.

**III.F. HUMAN RESOURCES**

**III.F.1. Certificated/Classified Personnel Items**

Approved/ratified the certificated/classified personnel items.

**III.F.2. Rejection of Claims**

Rejected the claims and referred them to the District's insurance adjuster.

**III.F.3. Student Teaching Agreement with Loyola Marymount University**

Approved the student teaching agreement with Loyola Marymount University.

**III.F.4. Addendum to Internship Agreement with National University**

Approved the addendum to internship agreement with National University.

**III.F.5. Learning Activity Placement Agreement with California State University, Fullerton**

Approved the learning activity placement agreement with California State University, Fullerton.

**III.F.6. District Affiliation Agreement with Nutrition Ink**

Approved the affiliation agreement with Nutrition Ink.

<b>IV. INFORMATION</b>
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**IV.A. ADMINISTRATION**

**IV.A.1. Revision of Board Bylaw 9222 Bylaws of the Board—Resignation**

Received for information the revision of Board Bylaw 9222 Bylaws of the Board—Resignation.

**IV.A.2. Revision of Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas**

Received for information the revision of Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas.

**IV.A.3. Revision of Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board**

Received for information the revision of Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board.

**IV.B. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT**

**IV.B.1. 2015/2016 Second Semester Student Expulsion Report**

Received for information the 2015/2016 Second Semester Student Expulsion Report.

**IV.C. EDUCATIONAL SERVICES**

**IV.C.1. Student Attendance Calendar for the 2017/2018 School Year**

This item was pulled from the agenda.

**IV.C.2. Williams Settlement Legislation Quarterly Uniform Complaint Report Summary for April Through June 2016**

Received for information the Williams Settlement Legislation Quarterly Uniform Complaint Report Summary for April through June 2016.

**IV.C.3. Revision of Board Policy and Administrative Regulation 0450 Philosophy, Goals, Objectives, and Comprehensive Plans—Comprehensive Safety Plans**

Received for information the revision of Board Policy and Administrative Regulation 0450 Philosophy, Goals, Objectives, and Comprehensive Plans—Comprehensive Safety Plans.

**IV.C.4. Revision of Board Policy and Deletion of Administrative Regulation 3514.2 Business and Noninstructional Operations—Transportation for Students with Disabilities**

Received for information the revision of Board Policy and deletion of Administrative Regulation 3514.2 Business and Noninstructional Operations—Transportation for Students with Disabilities.

**IV.C.5. Revision of Board Policy and Administrative Regulation 3515.2 Business and Noninstructional Operations—Disruptions**

Received for information the revision of Board Policy and Administrative Regulation 3515.2 Business and Noninstructional Operations—Disruptions.

**IV.C.6. New Board Policy 3515.7 Business and Noninstructional Operations—Firearms on School Grounds**

Received for information the new Board Policy 3515.7 Business and Noninstructional Operations—Firearms on School Grounds.

**IV.C.7. San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Fourth Quarterly Report 2015/2016**

Received for information the San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Fourth Quarterly Report 2015/2016.

**IV.D. FACILITIES, PLANNING, AND OPERATIONS****IV.D.1. Revision of Board Policy 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies**

Received for information the revision of Board Policy 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies.

**IV.D.2. Revision of Administrative Regulations 3314 Business and Noninstructional Operations—Payment for Goods and Services**

Received for information the revision of Administrative Regulation 3314 Business and Noninstructional Operations—Payment for Goods and Services.

**IV.D.3. Revision of Administrative Regulation 7111 Facilities—Evaluating Existing Buildings**

Received for information the revision of Administrative Regulation 7111 Facilities—Evaluating Existing Buildings.

<b>V. COMMUNICATIONS</b>
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**BOARD MEMBERS AND SUPERINTENDENT**

Irene Hernandez-Blair spoke about her granddaughter's arrival; asked that all Board meetings be televised and uploaded to the District website; said combo classes in the District have decreased to 11 this year; requested that a flyer outlining safety precautions including parents being respectful of school site staff, to be aware of crossing guards, and provide a reminder on school bus law be created and put on the website and be distributed to parents down the road; spoke about concerns regarding the early start of the school year, and explained the process taken to approve the school calendar; encouraged the Board and staff to look into peer counseling courses; acknowledged Denise Arroyo's comment about recognizing classified staff; and wished everyone a successful school year.

James Na asked Superintendent Joseph to have a staff member contact the parent expressing concerns about the early start of the school year to explain the calendar change; asked Superintendent Joseph to ensure Walnut ES's 50<sup>th</sup> anniversary event is promoted; attended Chino HS's orientation; said Ayala HS teachers greeted students arriving to school; spoke about the book Chino Hills HS teacher Linda Zeigler gave to Board members; visited the Alternative Education site; and spoke about learning every day.

Pamela Feix said she made it to all the high schools to see the operations and was impressed with students being in classes; extended kudos to administrators and classified staff for getting schedules out to students; said she would like the District to consider issuing schedules prior to the opening day of school; said she is still looking for employee recognition; and spoke about her concerns regarding the early start of the school year affecting other grades besides seniors; and extended early Labor Day wishes.

Superintendent Joseph announced Parent Information forums scheduled for this fall and next spring regarding drug trends, social media risks and concerns, and the provisional driver license laws, and said information is on the District website; said a Kindergarten Parent Academy is starting on September 6 at the District's Parent Engagement Center on the Adult School campus in Chino; spoke about students taking Advanced Placement tests for college course credit; said District 11<sup>th</sup> graders taking the SAT in March scored better than similar students statewide and nationally; and announced a Board study session scheduled for August 25 at 6:00 p.m. regarding the facilities implementation plan.

President Cruz spoke about perfect AP scores; spoke about classified employees being a big part of the school system; spoke about the book Linda Ziegler, Internship Coordinator at Chino Hills HS, provided to the Board entitled "Redefining the Role"; agreed with Mr. Na's request to promote Walnut ES's 50<sup>th</sup> anniversary; said he has been promoted to head librarian in his district; and commended teachers and classified staff for their service to our students.

## **VI. ADJOURNMENT**

President Cruz adjourned the regular meeting of the Board of Education at 8:25 p.m.

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Andrew Cruz, President

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Pamela Feix, Clerk

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**SUBJECT: REVISION OF BOARD BYLAW 9222 BYLAWS OF THE BOARD—  
RESIGNATION**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Bylaw 9222 Bylaws of the Board—Resignation is being revised to clarify the effective date of a resignation of a member of the Board, the need for the Board to fill the vacancy by ordering an election or making a provisional appointment as appropriate, and the need for the resigning member to file a revised Statement of Economic Interest/Form 700. This item was presented to the Board on August 18, 2016, as information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Bylaw 9222 Bylaws of the Board—Resignation.

**FISCAL IMPACT**

None.

WMJ:pk

## RESIGNATION

A Board of Education member who wishes to resign FROM THE BOARD SHALL FILE ~~may do so by filing~~ a written resignation with the County Superintendent of Schools. (Education Code 5090)

THE RESIGNING BOARD MEMBER SHALL ALSO NOTIFY THE BOARD AND GIVE a copy OF HIS/HER WRITTEN RESIGNATION ~~shall be given~~ to the Board secretary.

The ~~written~~ resignation SHALL BECOME ~~is~~ effective when filed WITH THE COUNTY SUPERINTENDENT except when a deferred effective date is specified in the resignation. ~~(Education Code 5090)~~ A Board member may not defer the effective date of his/her resignation for more than 60 days after HE/SHE FILES THE RESIGNATION WITH THE COUNTY SUPERINTENDENT ~~filing~~. (Education Code 5090, 5091)

ONCE FILED, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable ~~upon being filed~~. (Education Code 5090)

~~Upon resignation, the~~ Board member WHO TENDERS HIS/HER RESIGNATION WITH A DEFERRED EFFECTIVE DATE SHALL, UNTIL THE EFFECTIVE DATE OF THE RESIGNATION ~~may~~ continue to exercise all THE ~~his/her~~ powers OF THE OFFICE, EXCEPT, ~~save~~ that HE/SHE SHALL NOT HAVE THE RIGHT TO VOTE ~~of voting~~ for HIS/HER a successor IN AN ACTION TAKEN BY THE BOARD TO MAKE A PROVISIONAL APPOINTMENT, ~~until the effective date of resignation~~. (Education Code 5090, 35178)

(cf. 9223 - Filling Vacancies)

A BOARD MEMBER WHO RESIGNS SHALL FILE, WITHIN 30 DAYS OF LEAVING OFFICE, A REVISED STATEMENT OF ECONOMIC INTEREST/FORM 700 COVERING THE PERIOD OF TIME BETWEEN THE CLOSING DATE OF THE LAST STATEMENT REQUIRED TO BE FILED AND THE DATE HE/SHE LEAVES OFFICE. (Government Code 87302, 87500)

(cf. 9270 - Conflict of Interest)

### Legal Reference

#### EDUCATION CODE

5090-5095 Vacancies on the board

35178 Resignation with deferred effective date

#### GOVERNMENT CODE

1770 Vacancy on the board

87300-87313 Conflict of interest code

87500 Statement of economic interests



**RESIGNATION (cont.)**

**Management Resources:**

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org)

**Chino Valley Unified School District**

Bylaw approved: August 17, 1995

Revised: May 5, 2011

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**SUBJECT: REVISION OF BOARD BYLAW 9321 BYLAWS OF THE BOARD—  
CLOSED SESSION PURPOSES AND AGENDAS**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas is being revised to clarify that the Board may not meet in closed session under the “personnel exception” of the Ralph M. Brown Act to discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. Negotiations/Collective Bargaining section revised to reflect that the Board may meet with the District’s designated representatives in closed session under the “labor exception” to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. This item was presented to the Board on August 18, 2016, as information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District’s Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Bylaw 9321 Bylaws of the Board—Closed Session Purposes and Agendas.

**FISCAL IMPACT**

None.

WMJ:pk

## **CLOSED SESSION PURPOSES AND AGENDAS**

The Board of Education is committed to complying with state open meeting laws and modeling transparency in its conduct of District business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

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 disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. 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 closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 – Access to District Records)

## **Personnel Matters**

The Board may hold a closed session UNDER THE “PERSONNEL EXCEPTION” to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee. Such a closed session 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)

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)**

(cf. 2140 – Evaluation of the Superintendent)  
 (cf. 4115 – Evaluation/Supervision)  
 (cf. 4118 – Suspension/Demotion or Dismissal)  
 (cf. 4215 – Evaluation/Supervision)  
 (cf. 4218 – Dismissal/Suspension/Disciplinary Action)

The Board may also hold A closed sessions 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 District 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 shall not be subject to the Brown Act: (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 matter within the scope of representation and instructing its designated representatives

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)**

(cf. 4140/4240/4340 – Bargaining Units)  
(cf. 4143/4243 – Negotiations/Consultation)  
(cf. 4143.1/4243.1 – Public Notice– Personnel Negotiations)

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding ~~employee~~—salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. PRIOR TO THE CLOSED SESSION, THE BOARD SHALL IDENTIFY ITS DESIGNATED REPRESENTATIVES IN OPEN SESSION. Any closed session held for this purpose may include discussions of the District's available funds and funding priorities, but only insofar as they relate to providing instructions to the ~~District~~ BOARD's designated representative. (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)~~

(cf. 2121 – Superintendent's Contract)

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)

FOR REPRESENTED EMPLOYEES, THE BOARD MAY ALSO MEET IN CLOSED SESSION REGARDING ANY OTHER MATTER WITHIN THE STATUTORY PROVIDED SCOPE OF REPRESENTATION. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in ~~these~~ proceedings regarding any of the purposes enumerated in Government Code 54957.6. ~~(Government Code 54957.6)~~

Agenda items related to negotiations shall specify the name of the District's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify 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)

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)****Matters Related to Students**

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. 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 48918)

(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 Governor, attorney general, district attorney, District legal counsel, 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)

## **CLOSED SESSION PURPOSES AND AGENDAS (cont.)**

(cf. 0450 – Comprehensive Safety Plan)  
(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 may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the District in order to grant its negotiator the authority regarding the price and terms of PAYMENT FOR the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (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 District negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also 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 of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)****Pending Litigation**

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding A pending litigation when a discussion of the matter in open session would prejudice the Board's DISTRICT'S position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances (Government Code 54956.9):

1. Litigation to which the District is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of IT'S legal counsel ~~and on~~ REGARDING the "existing facts and circumstances," there is a "significant exposure to litigation" against the District, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. 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.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the District, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
- c. 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)

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.



**CLOSED SESSION PURPOSES AND AGENDAS (cont.)**

- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, 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. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
- 3. 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 the pending litigation exception, 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 Government Code 54956.9(a), the Board shall either state the title or specifically 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(c))

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding EITHER "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case 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. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing settlement negotiations.

**FACTS AND CIRCUMSTANCES DESCRIBED IN ITEM #2 B-E ABOVE.** (Government Code 54954.5)

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)****Joint Powers Agency Issues**

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a Joint Powers Agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the District is a member. (Government Code 54956.95)

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. 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 the California State Auditor's Office**

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, 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 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)****Review of Assessment Instruments**

The Board may 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. (Education Code 60617)

(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 Education Code 60617 authorizes a 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)

44929.21 Districts with ADA of 250 or more 48912 Governing board suspension

48918 Rules governing expulsion procedures; hearings and notice 49070 Challenging content of students records

60617 Meetings of governing board

**GOVERNMENT CODE**

3540-3549.3 Educational Employment Relations Act 6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87 Furtado v. Sierra Community

College District (1998) 68 Cal.App. 4th 876 Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

**ATTORNEY GENERAL OPINIONS**

94 Ops.Cal.Atty.Gen. 82 (2011)

86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

**Management Resources:****CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

The Brown Act: School Boards and Open Meeting Laws, 2009

**ATTORNEY GENERAL PUBLICATIONS**

The Brown Act: Open Meetings for Legislative Bodies, 2002

**LEAGUE OF CALIFORNIA CITIES PUBLICATIONS**

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

**CLOSED SESSION PURPOSES AND AGENDAS (cont.)**

WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org) California Attorney General's Office:  
[www.oag.ca.gov](http://www.oag.ca.gov) League of California Cities: [www.cacities.org](http://www.cacities.org)

**Chino Valley Unified School District**

Bylaw adopted: August 17, 1995

Revised: March 15, 2001

Revised: July 17, 2003

Revised: October 20, 2011

Revised: October 4, 2012

Revised: May 21, 2015

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**SUBJECT: REVISION OF BOARD BYLAW EXHIBIT 9323.2 BYLAWS OF THE BOARD—ACTIONS BY THE BOARD**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board is being revised to add new item #2 and #5 under “Actions Requiring a Four-Fifths Vote of the Board” as well as various minor language edits. This item was presented to the Board on August 18, 2016, as information.

New language is in caps and language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District’s Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Bylaw Exhibit 9323.2 Bylaws of the Board—Actions by the Board.

**FISCAL IMPACT**

None.

WMJ:pk

## ACTIONS BY THE BOARD

Actions Requiring ~~More Than~~ a SUPER Majority Vote

Actions requiring a two-thirds vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)

(cf. 3280 – Sale or Lease of District-Owned Real Property)

2. Resolution declaring intent of Board of Education to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)

3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)

4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

5. ~~REQUEST FOR Temporary borrowing before receipt of fiscal income, if implemented~~ pursuant to Government Code 53820-53833, TO PAY DISTRICT OBLIGATIONS INCURRED BEFORE THE RECEIPT OF DISTRICT INCOME FOR THE FISCAL YEAR SUFFICIENT TO MEET THE PAYMENT(S) (Government Code 53821)

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ACTION TO RENDER ~~ordering~~ city or county zoning ordinances inapplicable to a proposed use of the property by the District (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. ~~WHEN THE DISTRICT HAS AN AVERAGE DAILY ATTENDANCE (ADA) Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)~~

**ACTIONS BY THE BOARD (cont.)**

8. ~~For districts with an ADA of 2,500 or less seeking~~ ~~S to add~~ SITUATE a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
8. WHEN THE DISTRICT IS ORGANIZED TO SERVE ONLY GRADES K-8 AND SEEKS TO SITUATE ~~For K-8 districts (and no higher) seeking to add~~ a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. WHEN THE DISTRICT DESIRES ~~For districts desiring~~ to operate a community day school ~~on an existing school site~~ to serve grades K-6 (and no higher GRADES) ON AN EXISTING SCHOOL SITE, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

(cf. 6185 - Community Day School)

10. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the District (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

11. Resolution of intent to issue bonds within a school facilities improvement district with the ~~new~~ approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

12. Resolution to place a parcel tax on the ballot (government Code 53724)
13. Resolution of necessity to proceed with an eminent domain action and, if the Board SUBSEQUENTLY desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

**Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:**

1. Determination that there is a need to take immediate action and that the need for action came to the District's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

**ACTIONS BY THE BOARD (cont.)**

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

**Actions Requiring a Four-Fifths Vote of the Board:**

1. ~~The e~~Expenditure and transfer of necessary funds and use of District PROPERTY OR vehicles and personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. RESOLUTION FOR DISTRICT BORROWING BASED ON ISSUANCE OF NOTES, TAX ANTICIPATION WARRANTS, OR OTHER EVIDENCES OF INDEBTEDNESS, IN AN AMOUNT UP TO 50 PERCENT OF THE DISTRICT'S ESTIMATED INCOME AND REVENUE FOR THE FISCAL YEAR OR THE PORTION NOT YET COLLECTED AT THE TIME OF THE BORROWING. (GOVERNMENT CODE 53822, 53824)
3. Resolution FOR DISTRICT BORROWING, between July 15 and August 30, ~~to borrow funds~~ of up to 25 percent of the estimated income and revenue to be received by the district during THAT ~~the~~ fiscal year from apportionments based on ADA for the preceding year. (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the District to include a particular brand name or product in a bid specification. (Public Contract Code 3400)
5. RESOLUTION TO AWARD A CONTRACT FOR A PUBLIC WORKS PROJECT AT \$187,500 OR LESS TO THE LOWEST RESPONSIBLE BIDDER, WHEN THE DISTRICT IS USING THE INFORMAL PROCESS AUTHORIZED UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT FOR PROJECTS OF \$175,000 OR LESS, ALL BIDS RECEIVED ARE IN EXCESS OF \$175,000 AND THE BOARD DETERMINES THAT THE DISTRICT'S COSTS ESTIMATE WAS REASONABLE. (Public Contract Code 22034)

(cf. 3311 - Bids)



**ACTIONS BY THE BOARD (cont.)**

**Actions Requiring a Unanimous Vote of the Board:**

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools. (Public Contract Code 20113)

**Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:**

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

**Chino Valley Unified School District**

Revised: August 17, 1995

Revised: July 17, 2003

Revised: September 8, 2011

Revised: March 21, 2013

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Sandra H. Chen, Assistant Superintendent, Business Services  
Liz Pensick, Director, Business Services  
**SUBJECT: WARRANT REGISTER**

=====

**BACKGROUND**

Education Code 42650 requires the Board to approve and/or ratify all warrants. These payments are made in the form of warrants, and the warrant (check) form is approved by the County Superintendent.

All items listed are within previously budgeted amounts. There is no fiscal impact beyond currently available appropriations.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the warrant register, provided under separate cover.

**FISCAL IMPACT**

\$1,531,150.30 to all District funding sources.

WMJ:SHC:LP:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Sandra H. Chen, Assistant Superintendent, Business Services  
Liz Pensick, Director, Business Services

**SUBJECT: FUNDRAISING ACTIVITIES**

=====

**BACKGROUND**

Board Policy 3452 Business and Noninstructional Operations – Student Activity Funds and Board Policy 1230 Community Relations – School Connected Organizations require that fundraising activities be submitted to the Board of Education for approval.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the fundraising activities.

**FISCAL IMPACT**

None.

WMJ:SHC:LP:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**September 1, 2016**

<b><u>SITE/DEPARTMENT</u></b>	<b><u>ACTIVITY/DESCRIPTION</u></b>	<b><u>DATE</u></b>
<b><u>Country Springs ES</u></b>		
PFA	Spirit Wear Sale	9/2/16 - 6/1/17
PFA	Solar City Sign-Up	9/2/16 - 6/1/17
PFA	Family Fun Night - Magic Show Ticket Sale	9/14/16 - 10/7/16
<b><u>Dickson ES</u></b>		
ASB	Recycling Program	9/15/16 - 5/15/17
<b><u>Glenmeade ES</u></b>		
PTA	Chuck E. Cheese Family Night Out	9/14/16
<b><u>Liberty ES</u></b>		
PFA	4th - 6th Grade Fun Night	1/27/17
<b><u>Rhodes ES</u></b>		
PEP Club	Spirit Wear Sale	9/2/16 - 6/1/17
PEP Club	After School Snow Cone Sale	9/2/16 - 6/1/17
PEP Club	After School Popcorn Sale	9/2/16 - 6/1/17
PEP Club	After School Ice Cream Sale	9/2/16 - 6/1/17
PEP Club	After School Smoothie Sale	9/2/16 - 6/1/17
PEP Club	Movie Night	9/16/16
PEP Club	McTeacher's Night	9/20/16
PEP Club	Book Fair	10/3/16 - 10/7/16
PEP Club	BJ's Family Night Out	10/11/16
PEP Club	Trunk-or-Treat Game Night	10/28/16
PEP Club	Color Run	11/10/16
PEP Club	Winter Prizes Ticket Sale	11/14/16 - 12/2/16
PEP Club	Holiday Boutique	12/12/16 - 12/16/16
PEP Club	Pajama Movie Night	1/20/17
PEP Club	Buddy Gram Sale	2/6/17 - 2/10/17
PEP Club	Someone Special Dance	2/10/17
PEP Club	Book Fair	2/17/17 - 2/24/17

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**September 1, 2016**

<b><u>SITE/DEPARTMENT</u></b>	<b><u>ACTIVITY/DESCRIPTION</u></b>	<b><u>DATE</u></b>
<b><u>Rhodes ES</u></b> (cont.)		
PEP Club	Read-A-Thon	2/27/17 - 3/3/17
PEP Club	Family Fun Night	3/17/17
PEP Club	Chipotle Family Night Out	3/21/17
PEP Club	Grandma Pucci's Family Night Out	4/13/17
PEP Club	Wienerschnitzel Family Night Out	5/23/17
<b><u>Walnut ES</u></b>		
PFA	Catalog Sale	9/19/16 - 10/3/16
<b><u>Briggs K-8</u></b>		
PFA	Spirit Wear Sale	9/2/16 - 6/3/17
PFA	After School Shaved Ice Sale	9/2/16 - 6/3/17
PFA	Chili's Family Night Out	9/12/16
PFA	Buffalo Wild Wings Family Night Out	9/12/16
PFA	Fall Book Fair	9/26/16 - 9/28/16
PFA	Chipotle Family Night Out	10/19/16
<b><u>Ramona JHS</u></b>		
PTO	After School Snack Sale	9/2/16 - 5/26/17
PTO	Dinner at Back-to-School Night	9/8/16
PTO	Yogurtland Family Night Out	9/15/16
<b><u>Townsend JHS</u></b>		
East Coast Travel Club	Off Campus Candy Sale	9/2/16 - 12/15/16
PTSA	Twice Weekly After School Snack Sale	9/16/16 - 6/2/17
East Coast Travel Club	Yankee Candle Sale	9/23/16 - 10/21/16
<b><u>Ayala HS</u></b>		
BAC Boosters	Off Campus Krispy Kreme Donut Sale	9/2/16 - 9/24/16
Football Boosters	Change for a Cure T-Shirt Sale	9/2/16 - 6/1/17

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**September 1, 2016**

<b><u>SITE/DEPARTMENT</u></b>	<b><u>ACTIVITY/DESCRIPTION</u></b>	<b><u>DATE</u></b>
<b><u>Ayala HS</u></b> (cont.)		
BAC Boosters	Off Campus Photo/DVD Sale	9/2/16 - 6/30/17
BAC Boosters	Monday Night Taco Sale	9/19/16
Water Polo Boosters	Pancake Breakfast	10/1/16
BAC Boosters	Off Campus Poinsettia Sale	10/26/16 - 11/28/16
Spirit Leader Boosters	Winter Jr. Cheer Camp	10/29/16
Track & Field Boosters	Clothing Drive	11/1/16 - 5/9/17
Track & Field Boosters	Community Discount Card Sale	11/1/16 - 5/19/17
Swim Team Boosters	Snack Bar at Swim Events	2/15/17 - 6/1/17
<b><u>Chino HS</u></b>		
Girls Volleyball Boosters	Spirit Wear Sale	9/2/16 - 9/16/16
Cowboy Huddle	Popcorn Sale	9/2/16 - 1/31/17
ASB	Parking Sticker Sale	9/2/16 - 6/30/17
Pep Squad Boosters	Mariscos Las Brisas Taco Sale	9/16/16 - 9/23/16
ASB	Milkcan Shirt Sale	9/19/16 - 9/23/16
Girls Volleyball Boosters	Spaghetti Dinner Sale	9/20/16
National Honor Society	After School Chips Sale	10/10/16 - 10/14/16
National Honor Society	After School Chips Sale	1/23/17 - 1/27/17
<b><u>Chino Hills HS</u></b>		
ASB	Wounded Warrior Donation Drive	9/2/16
Aquatics Boosters	Snack Bar at Swim Events	9/2/16 - 12/31/16
Aquatics Boosters	Donation Drive	9/2/16 - 12/31/16
Football Boosters	Sponsorship Drive	9/2/16 - 1/30/17
ASB	Poster Paper/Paint Sale	9/5/16 - 6/10/17

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Sandra H. Chen, Assistant Superintendent, Business Services  
Liz Pensick, Director, Business Services  
**SUBJECT: DONATIONS**

=====

**BACKGROUND**

Board Policy 3290 Business and Noninstructional Operations - Gifts, Grants, and Bequests states the Board of Education may accept any bequest or gift of money or property on behalf of the District. All gifts, grants, and bequests shall become property of the District. Use of the gift shall not be impaired by restrictions or conditions imposed by the donor.

Approximate values are determined by the donor.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education accept the donations.

**FISCAL IMPACT**

Any cost for repairs of donated equipment will be a site expense.

WMJ:SHC:LP:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**September 1, 2016**

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<b><u>Special Education</u></b>		
Costco Wholesale	Gift Card	\$25.00
Intelli-Tech	Gift Cards	\$200.00
School Specialty	105 Goodie Bags/Gift Card	\$450.00
Daisy	Tote Bags w/School Supplies	\$500.00
<b><u>Wickman ES</u></b>		
Wells Fargo	Cash	\$50.00
PTO	Cash	\$300.00
PTO	Cash	\$543.40
PTO	Cash	\$2,012.97
<b><u>Canyon Hills JHS</u></b>		
Sonja Shumaker	Keurig Coffee Maker	\$175.00
<b><u>Townsend JHS</u></b>		
Dart Foundation	Cash	\$4,950.00
<b><u>Don Lugo HS</u></b>		
Yogurtland	Cash	\$25.00
The Kula Foundation	Cash	\$25.63
Hottinger's Frozen Food Locker	Cash	\$100.00
Bravo Burgers	Cash	\$150.00
Chino Cafe	Cash	\$200.00
James H. Pester	Cash	\$250.00
Chino Hills Transmission	Cash	\$300.00
Sunshine Growers Nursery, Inc.	Cash	\$700.00



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Sandra H. Chen, Assistant Superintendent, Business Services  
Liz Pensick, Director, Business Services

**SUBJECT: LEGAL SERVICES**

=====

**BACKGROUND**

The following law firms provide services to the Chino Valley Unified School District and have submitted their invoices. The current invoice amounts, along with the fiscal year-to-date totals for each individual law firm, are listed below.

<b>FIRM</b>	<b>MONTH</b>	<b>INVOICE AMOUNTS</b>	<b>2016/2017 YEAR-TO-DATE</b>
Atkinson, Andelson, Loya, Ruud & Romo	July 2016	\$ 9,188.42	\$ 9,188.42
Chidester, Margaret A. & Associates	-	-	-
Parker & Covert LLP	July 2016	\$ 714.00	\$ 714.00
	<b>Total</b>	\$ 9,902.42	\$ 9,902.42

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; and Parker & Covert LLP.

**FISCAL IMPACT**

\$9,902.42 to the General Fund.

WMJ:SHC:LP:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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**DATE:** September 1, 2016  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Sandra H. Chen, Assistant Superintendent, Business Services  
**SUBJECT: SIGNATURE AUTHORIZATIONS FOR CHINO VALLEY UNIFIED SCHOOL DISTRICT**

=====

**BACKGROUND**

Signature authorization items are routinely brought to the Board for approval based on changes in the organization. Signature authorization allows employees and Board members to perform designated functions in the course of their assigned duties. Approval of the list authorizes designated employees and Board members specific signature authority.

This updated signature list removes signature authorization for Sandy Bernstein, Director, Nutrition Services; and adds Javier Quiarte, Director, Nutrition Services.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the signature authorizations for Chino Valley Unified School District.

**FISCAL IMPACT**

None.

WJM:SHC:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**AUTHORIZED SIGNATURE LIST**  
**September 1, 2016**

In accordance with provisions of legal codes for the State of California, the Board of Education of the Chino Valley Unified School District hereby delegates authority to sign documents on their behalf, subject to the conditions noted below.

No contract signed pursuant to this delegation shall be valid until such approval has been granted by the governing body of this school district. The duration of this delegation shall extend until revoked or amended.

<b>DOCUMENTS</b>	<b>NAMES</b>
Certificated Notice of Employment**	Wayne M. Joseph Norm Enfield Grace Park Lea Fellows Richard Rideout
Classified Notice of Employment**	Wayne M. Joseph Norm Enfield Grace Park Lea Fellows Richard Rideout
Notice of Intent Not to Re-Employ	Wayne M. Joseph Norm Enfield Grace Park Lea Fellows Richard Rideout
Notice of Employment – Youth Work Experience**	Wayne M. Joseph Norm Enfield Grace Park Don Jones Jeanette Chien Daniel Sosa
Temporary Teaching Credentials and Credential Applications	Wayne M. Joseph Norm Enfield Grace Park Lea Fellows Richard Rideout
Statements of Need	Wayne M. Joseph Norm Enfield Grace Park Lea Fellows Richard Rideout
Inter District and Intra District Attendance Agreements	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Stephanie Johnson
Claim of Plaintiff Statements	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Greg Stachura Dan Mellon

<b>DOCUMENTS</b>	<b>NAMES</b>
Small Claims Court Representatives**	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Lea Fellows Dan Mellon Richard Rideout
Forms/Report/Claims for Workers' Compensation Risk Management	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Lea Fellows Dan Mellon Richard Rideout
Payroll Orders	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Greg Stachura Liz Pensick Patti Newton
Payroll Connected District Orders	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Greg Stachura Liz Pensick Patti Newton
Custodian of Revolving Cash Fund for the General Fund*	Wayne M. Joseph Sandra H. Chen (custodian) Norm Enfield Grace Park Jeanette Chien Liz Pensick Patti Newton
District Orders for Employee Mileage Reimbursement and Transportation Reports	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Liz Pensick
Purchase Orders**	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Greg Stachura Liz Pensick Patti Newton
All Other Special Projects Applications and Report Documents	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Greg Stachura Liz Pensick

DOCUMENTS	NAMES
Special Projects Funding Applications, Funding Certifications	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Greg Stachura
Miscellaneous Receipts Checking Account*	Wayne M. Joseph Sandra H. Chen Norm Enfield Liz Pensick Patti Newton
Forms, Reports, Checks for Nutrition Service Cafeteria Account*	<del>Sandy Bernstein</del> Sandra H. Chen Liz Pensick Patti Newton <b>Javier Quirarte***</b>
Buena Vista HS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Cal Aero Preserve Academy Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Canyon Hills JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Magnolia JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Ramona JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Townsend JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Woodcrest JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton

<b>DOCUMENTS</b>	<b>NAMES</b>
Elementary Student Bodies*	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien Liz Pensick Patti Newton
Travel Advances	Wayne M. Joseph Sandra H. Chen Norm Enfield Jeanette Chien
Housing Construction Impact Reports	Wayne M. Joseph Sandra H. Chen Norm Enfield Greg Stachura
District Orders, Contracts and in Lieu of Transportation Payments**	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Jeanette Chien Greg Stachura Liz Pensick
Approval of the Release of Commercial Warrants as Payments to Vendors**	Wayne M. Joseph Sandra H. Chen Norm Enfield Greg Stachura Liz Pensick Patti Newton
Bank Documents	Sandra H. Chen Liz Pensick
Electronic Signature Key Authorization	Sandra H. Chen Liz Pensick Patti Newton
Budget and Expenditure Transfers or Adjustments**	Wayne M. Joseph Sandra H. Chen Norm Enfield Greg Stachura Liz Pensick
Necessary School Facilities Program Documents (State Allocation Board)	Wayne M. Joseph Sandra H. Chen Norm Enfield Greg Stachura
Certification of Board of Education Minutes	Wayne M. Joseph Norm Enfield Andrew Cruz – (President) Pamela Feix – (Clerk)

\* Requires more than one signature

\*\* Requires separate Board action

\*\*\* Name added

**Chino Valley Unified School District**  
**Our Motto:**  
Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT: SCHOOL-SPONSORED TRIPS**

=====

**BACKGROUND**

The Board of Education recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the District's course of study or school related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. Resources will be identified and established at the school site to assist economically disadvantaged students in obtaining funding for field trips and, in some cases, student travel.

Field trips that require overnight stay or are in excess of 250 miles (one way) require board approval.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the following school-sponsored trips:

School-Sponsored Trips	Date	Fiscal Impact
Site: Hidden Trails ES Event: Outdoor Science Camp Place: Twin Peaks, CA Chaperone Ratio: 89 students/9 chaperones plus camp counselors at 10:1 ratio	October 31- November 4, 2016	Cost: \$291.00 per student Funding Source: Parents

School-Sponsored Trips	Date	Fiscal Impact
Site: Rhodes ES Event: Outdoor Science Camp Place: Crestline, CA Chaperone Ratio: 150 students/5 chaperones plus camp counselors at 10:1 ratio	October 24-28, 2016	Cost: \$315.00 per student Funding Source: Parents
Site: Don Lugo HS Event: WBA Championships Place: Fresno, CA Chaperone Ratio: 60 students/8 chaperones	November 18-21, 2016	Cost: \$250.00 per student Funding Source: Parents

### **FISCAL IMPACT**

None.

WMJ:JC:lmc



**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT:** **REVISION OF BOARD POLICY 0450 PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS – COMPREHENSIVE SAFETY PLANS**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The revision of Board Policy 0450 Philosophy, Goals, Objectives, and Comprehensive Plans – Comprehensive Safety Plans is being revised to clarify the district's responsibility to annually review comprehensive school safety plans. This item was presented to the Board of Education on August 18, 2016, for information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Policy 0450 Philosophy, Goals, Objectives, and Comprehensive Plans – Comprehensive Safety Plans.

**FISCAL IMPACT**

None.

WMJ:JC:Imc

## **COMPREHENSIVE SAFETY PLAN**

The ~~Governing~~ Board OF EDUCATION recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and TO creating a positive learning environment that INCLUDES ~~teaches~~ strategies for violence prevention and ~~emphasizes~~ high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
 (cf. 1312.3 - Uniform Complaint Procedures)  
 (cf. 3515 - Campus Security)  
 (cf. 3515.2 - Disruptions)  
 (cf. 3515.3 - District Police/Security Department)  
 (cf. 5131 - Conduct)  
 (cf. 5131.4 - Student Disturbances)  
 (cf. 5131.7 - Weapons and Dangerous Instruments)  
 (cf. 5136 - Gangs)  
 (cf. 5137 - Positive School Climate)  
 (cf. 5138 - Conflict Resolution/Peer Mediation)  
 (cf. 5144 - Discipline)  
 (cf. 5144.1 - Suspension and Expulsion/Due Process)  
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
 (cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual Harassment)  
 (cf. 5145.9 - Hate-Motivated Behavior)

~~“Safety plan” means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime, and violence on the school campus. (Education Code 32280)~~

## **~~Comprehensive District-wide School Safety Plan~~**

THE SCHOOL SITE COUNCIL AT EACH DISTRICT SCHOOL SHALL DEVELOP A COMPREHENSIVE SCHOOL SAFETY PLAN RELEVANT TO THE NEEDS AND RESOURCES OF THAT PARTICULAR SCHOOL. NEW SCHOOL CAMPUSES SHALL DEVELOP A SAFETY PLAN WITHIN ONE YEAR OF INITIATING OPERATIONS. (EDUCATION CODE 32281, 32286)

(cf. 0420 - School Plans/Site Councils)  
 (cf. 1220 - Citizen Advisory Committees)

THE SCHOOL SAFETY PLAN SHALL TAKE INTO ACCOUNT THE SCHOOL'S STAFFING, AVAILABLE RESOURCES, AND BUILDING DESIGN, AS WELL AS OTHER FACTORS UNIQUE TO THE SITE.

## **COMPREHENSIVE SAFETY PLAN (cont.)**

THE COMPREHENSIVE SAFETY PLAN(S) SHALL BE REVIEWED AND UPDATED BY MARCH 1 OF EACH YEAR AND FORWARDED TO THE BOARD FOR APPROVAL. (EDUCATION CODE 32286, 32288)

THE BOARD SHALL REVIEW THE COMPREHENSIVE SAFETY PLAN(S) IN ORDER TO ENSURE COMPLIANCE WITH STATE LAW, BOARD POLICY, AND ADMINISTRATIVE REGULATION AND SHALL APPROVE THE PLAN(S) AT A REGULARLY SCHEDULED MEETING.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

~~The Superintendent or designee shall oversee the development of a comprehensive district-wide school safety plan that is applicable to all school sites. (Education Code 32281(a))~~

### **~~Comprehensive School Safety Plan (Site-level Safety Plans)~~**

~~Additionally, the School Site Safety Planning Committee at each district school shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code 32281(d))~~

~~The school safety plan shall take into account the school's staffing, available resources, building design, and other factors unique to the site.~~

~~Each school shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32286)~~

### **~~Approval of School Safety Plan~~**

~~Each school shall forward the Comprehensive Safety Plan to the Governing Board for approval. (Education Code 32288)~~

~~The Governing Board shall review the comprehensive district-wide and/or school safety plan(s) in order to ensure compliance with state law, board policy, and administrative regulation.~~

~~The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282(e))~~

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of schools that have not complied with the requirements of Education Code 32281. (Education Code 32288(c))

## **COMPREHENSIVE SAFETY PLAN (cont.)**

### **TACTICAL RESPONSE PLAN**

NOTWITHSTANDING THE PROCESS DESCRIBED ABOVE, ANY PORTION OF A COMPREHENSIVE SAFETY PLAN THAT INCLUDES TACTICAL RESPONSES TO CRIMINAL INCIDENTS THAT MAY RESULT IN DEATH OR SERIOUS BODILY INJURY AT THE SCHOOL SITE, INCLUDING STEPS TO BE TAKEN TO SAFEGUARD STUDENTS AND STAFF, SECURE THE AFFECTED SCHOOL PREMISES, AND APPREHEND THE CRIMINAL PERPETRATOR(S), SHALL BE DEVELOPED BY DISTRICT ADMINISTRATORS IN ACCORDANCE WITH EDUCATION CODE 32281. IN DEVELOPING SUCH STRATEGIES, DISTRICT ADMINISTRATORS SHALL CONSULT WITH LAW ENFORCEMENT OFFICIALS AND WITH A REPRESENTATIVE OF AN EMPLOYEE BARGAINING UNIT, IF HE/SHE CHOOSES TO PARTICIPATE.

WHEN REVIEWING THE TACTICAL RESPONSE PLAN, THE BOARD MAY MEET IN CLOSED SESSION TO CONFER WITH LAW ENFORCEMENT OFFICIALS, PROVIDED THAT ANY VOTE TO APPROVE THE TACTICAL RESPONSE PLAN IS ANNOUNCED IN OPEN SESSION FOLLOWING THE CLOSED SESSION. (EDUCATION CODE 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

### **PUBLIC ACCESS TO SAFETY PLAN(S)**

THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT AN UPDATED FILE OF ALL SAFETY-RELATED PLANS AND MATERIALS IS READILY AVAILABLE FOR INSPECTION BY THE PUBLIC. (EDUCATION CODE 32282)

(cf. 1340 - Access to District Records)

HOWEVER, THOSE PORTIONS OF THE COMPREHENSIVE SAFETY PLAN THAT INCLUDE TACTICAL RESPONSES TO CRIMINAL INCIDENTS SHALL NOT BE PUBLICLY DISCLOSED.

## **COMPREHENSIVE SAFETY PLAN (cont.)**

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
32260-32262 Interagency School Safety Demonstration Act of 1985  
32270 School safety cadre  
32280-32289 School safety plans  
32290 Safety devices  
35147 School site councils and advisory committees  
35183 School dress code; uniforms  
35291 Rules  
35291.5 School-adopted discipline rules  
35294.10-35294.15 School Safety and Violence Prevention Act  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
49079 Notification to teacher; student act constituting grounds for suspension or expulsion  
67381 Violent crime

#### **PENAL CODE**

422.55 Definition of hate crime  
626.8 Disruptions  
11164-11174.3 Child Abuse and Neglect Reporting Act

#### **CALIFORNIA CONSTITUTION**

Article 1, Section 28(c) Right to Safe Schools

#### **CODE OF REGULATIONS, TITLE 5**

11987-11987.7 School Community Violence Prevention Program requirements  
11992-11993 Definition, persistently dangerous schools

#### **UNITED STATES CODE, TITLE 20**

7111-7122 Student Support and Academic Enrichment Grants  
7912 Transfers from persistently dangerous schools

#### **UNITED STATES CODE, TITLE 42**

12101-12213 Americans with Disabilities Act

### **Management Resources:**

#### **CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011  
Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010  
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010  
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

Safe Schools: A Planning Guide for Action, 2002

#### **FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS**

Uniform Crime Reporting Handbook, 2004

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

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

#### **U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004

## **COMPREHENSIVE SAFETY PLAN (cont.)**

### WEBSITES

California School Boards Association [www.csba.org](http://www.csba.org)

California Department of Education, Safe Schools: [www.cde.ca.gov/ls/ss](http://www.cde.ca.gov/ls/ss)

California Governor's Office of Emergency Services: [www.caloes.ca.gov](http://www.caloes.ca.gov)

California Healthy Kids Survey: [chks.wested.org](http://chks.wested.org)

Centers for Disease Control and Prevention: [www.cdc.gov/ViolencePrevention](http://www.cdc.gov/ViolencePrevention)

Federal Bureau of Investigation: [www.fbi.gov](http://www.fbi.gov)

National Center for Crisis Management: [www.schoolcrisisresponse.com](http://www.schoolcrisisresponse.com)

National School Safety Center: [www.schoolsafety.us](http://www.schoolsafety.us)

U.S. Department of Education: [www.ed.gov](http://www.ed.gov)

U.S. Secret Service, National Threat Assessment Center: [www.secretservice.gov/protection/ntac](http://www.secretservice.gov/protection/ntac)

### **Chino Valley Unified School District**

Policy adopted: April 1, 1999

Revised: February 3, 2000

Revised: May 1, 2008

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT: REVISION OF BOARD POLICY 3541.2 BUSINESS AND  
NONINSTRUCTIONAL OPERATIONS – TRANSPORTATION FOR  
STUDENTS WITH DISABILITIES**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The revision of Board Policy 3541.2 Business and Noninstructional Operations – Transportation for Students with Disabilities is being updated to clarify the policy's applicability to students receiving services pursuant to Section 504 of the federal Rehabilitation Act of 1973, adds sample criteria for individualized education program (IEP) teams to use when determining a student's transportation needs, and material regarding the provision of information to IEP teams. This item was presented to the Board of Education on August 18, 2016, for information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Policy 3541.2 Business and Noninstructional Operations – Transportation for Students with Disabilities.

**FISCAL IMPACT**

None.

WMJ:JC:Imc

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

THE BOARD OF EDUCATION DESIRES TO MEET THE TRANSPORTATION NEEDS OF STUDENTS WITH DISABILITIES TO ENABLE THEM TO BENEFIT FROM SPECIAL EDUCATION AND RELATED SERVICES. THE DISTRICT SHALL PROVIDE APPROPRIATE TRANSPORTATION SERVICES FOR A STUDENT WITH DISABILITIES WHEN THE DISTRICT IS THE STUDENT'S DISTRICT OF RESIDENCE AND THE TRANSPORTATION SERVICES ARE REQUIRED BY HIS/HER INDIVIDUALIZED EDUCATION PROGRAM (IEP) OR SECTION 504 ACCOMMODATION PLAN.

(cf. 0430 - Comprehensive Local Plan for Special Education)  
(cf. 3540 - Transportation)  
(cf. 6159 - Individualized Education Program)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6164.6 - Identification and Education Under Section 504)

THE SPECIFIC NEEDS OF THE STUDENT SHALL BE THE PRIMARY CONSIDERATION WHEN AN IEP TEAM IS DETERMINING THE STUDENT'S TRANSPORTATION NEEDS. CONSIDERATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE STUDENT'S HEALTH NEEDS, TRAVEL DISTANCES, PHYSICAL ACCESSIBILITY AND SAFETY OF STREETS AND SIDEWALKS, ACCESSIBILITY OF PUBLIC TRANSPORTATION SYSTEMS, MIDDAY OR OTHER TRANSPORTATION NEEDS, EXTENDED-YEAR SERVICES, AND, AS NECESSARY, IMPLEMENTATION OF A BEHAVIORAL INTERVENTION PLAN.

THE SUPERINTENDENT OR DESIGNEE SHALL PROVIDE IEP TEAMS WITH INFORMATION ABOUT DISTRICT TRANSPORTATION SERVICES IN ORDER TO ASSIST THEM IN MAKING DECISIONS AS TO THE MODE, SCHEDULE, AND LOCATION OF TRANSPORTATION SERVICES THAT MAY BE AVAILABLE TO EACH STUDENT WITH DISABILITIES. THE IEP TEAM MAY COMMUNICATE WITH DISTRICT TRANSPORTATION STAFF AND/OR INVITE TRANSPORTATION STAFF TO ATTEND IEP TEAM MEETINGS WHERE THE STUDENT'S TRANSPORTATION NEEDS WILL BE DISCUSSED.

TRANSPORTATION SERVICES SPECIFIED IN A STUDENT'S IEP OR SECTION 504 PLAN SHALL BE PROVIDED AT NO COST TO THE STUDENT OR HIS/HER PARENT/GUARDIAN.

(cf. 3250 - Transportation Fees)

IF A STUDENT WHOSE IEP OR ACCOMMODATION PLAN SPECIFIES TRANSPORTATION NEEDS IS EXCLUDED FROM SCHOOL BUS TRANSPORTATION FOR ANY REASON, SUCH AS SUSPENSION, EXPULSION, OR OTHER REASON, THE DISTRICT SHALL PROVIDE ALTERNATIVE TRANSPORTATION AT NO COST TO THE STUDENT OR PARENT/GUARDIAN. (EDUCATION CODE 48915.5)

(cf. 5131.1 - Bus Conduct)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))



**TRANSPORTATION FOR STUDENTS WITH DISABILITIES (cont.)**

WHEN CONTRACTING WITH A NONPUBLIC, NONSECTARIAN SCHOOL OR AGENCY TO PROVIDE SPECIAL EDUCATION SERVICES, THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT THE CONTRACT INCLUDES GENERAL ADMINISTRATIVE AND FINANCIAL AGREEMENTS RELATED TO THE PROVISION OF TRANSPORTATION SERVICES IF SPECIFIED IN THE STUDENT'S IEP. (EDUCATION CODE 56366)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

THE SUPERINTENDENT OR DESIGNEE SHALL ARRANGE TRANSPORTATION SCHEDULES SO THAT STUDENTS WITH DISABILITIES DO NOT SPEND AN EXCESSIVE AMOUNT OF TIME ON BUSES COMPARED TO OTHER STUDENTS. ARRIVALS AND DEPARTURES SHALL NOT REDUCE THE LENGTH OF THE SCHOOL DAY FOR THESE STUDENTS EXCEPT AS MAY BE PRESCRIBED ON AN INDIVIDUAL BASIS.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3541 - Transportation Routes and Services)

THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT ANY MOBILE SEATING DEVICES USED ON DISTRICT BUSES ARE COMPATIBLE WITH BUS SECUREMENT SYSTEMS REQUIRED BY 49 CFR 571.222. (EDUCATION CODE 56195.8)

(cf. 3542 - School Bus Drivers)

AS NECESSARY, A STUDENT WITH DISABILITIES MAY BE ACCOMPANIED ON SCHOOL TRANSPORTATION BY A SERVICE ANIMAL, AS DEFINED IN 28 CFR 35.104, INCLUDING A SPECIALLY TRAINED GUIDE DOG, SIGNAL DOG, OR SERVICE DOG. (EDUCATION CODE 39839; CIVIL CODE 54.1-54.2; 28 CFR 35.136)

(cf. 6163.2 - Animals at School)

WHEN TRANSPORTATION IS NOT SPECIFICALLY REQUIRED BY THE IEP OR SECTION 504 PLAN OF A STUDENT WITH DISABILITIES, THE STUDENT SHALL BE SUBJECT TO THE RULES AND POLICIES REGARDING REGULAR TRANSPORTATION OFFERINGS WITHIN THE DISTRICT.

~~The Board of Education shall ensure that appropriate transportation services are provided for students with disabilities, as specified in their individualized education programs or accommodation plans.~~

~~Entities providing special education shall adopt policy setting forth criteria for meeting the transportation needs of special education students and how special education transportation shall be coordinated with regular home-to-school transportation. (Education Code 56195.8)~~

## **TRANSPORTATION FOR STUDENTS WITH DISABILITIES (cont.)**

### **~~Transportation Services~~**

~~The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs, as determined in their individualized education program or accommodation plan.~~

~~The Superintendent or designee shall make home-to-school transportation available for students with disabilities, as specified in their individualized education programs or accommodation plans, at no cost to parents/guardians. Such transportation shall be provided in accordance with state and federal law.~~

~~The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems. The Superintendent or designee shall also establish procedures to ensure that school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.~~

### **~~Prevention of Discrimination in the Area of Transportation~~**

~~The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for students with disabilities, except as may be prescribed on an individual basis.~~

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

~~(cf. 3260 - Fees and Charges)~~

~~(cf. 3540 - Transportation)~~

~~(cf. 3541.5 - Alternative Transportation Arrangements)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))~~

~~(cf. 6159 - Individualized Education Program (IEP))~~

~~(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)~~

~~(cf. 6164.4 - Identification of Individuals with Exceptional Needs)~~

~~(cf. 6164.6 - Identification and Education under Section 504)~~

## **TRANSPORTATION FOR STUDENTS WITH DISABILITIES (cont.)**

### **Legal Reference:**

#### EDUCATION CODE

39807.5 Payment of transportation cost  
39839 Guide dogs, signal dogs, and service dogs on bus  
41850-41854 Allowances for transportation  
48300-48315 Alternative interdistrict attendance program  
48915.5 Expulsion of students with exceptional needs  
56040 No cost for special education and related services  
56195.8 Adoption of policies  
56327 Assessment for special education and related services  
56345 Individualized education program  
56365-56366.1 Nonpublic nonsectarian schools or agencies

#### CIVIL CODE

54.1-54.2 Service animals

#### CODE OF REGULATIONS, TITLE 5

15243 Physically handicapped minors  
15271 Exclusion from report

#### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

#### CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

### **Management Resources:**

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education Transportation Guidelines

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, 2009

Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 2009

#### WEBSITES

California Department of Education: [www.cde.ca.gov](http://www.cde.ca.gov)

U.S. Department of Education: [www.ed.gov](http://www.ed.gov)

### **Chino Valley Unified School District**

Policy Adopted: November 16, 1995

Revised: May 15, 2008

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT: REVISION OF BOARD POLICY 3515.2 BUSINESS AND  
NONINSTRUCTIONAL OPERATIONS - DISRUPTIONS**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The revision of Board Policy 3515.2 Business and Noninstructional Operations - Disruptions is being revised to reflect current laws and district practices. The updated policy adds components that may be addressed in district plans to prevent or respond to disruptions. Material on gun-free school zones has been deleted since possession of firearms and/or ammunition on school grounds is now addressed in Board Policy 3515.7 - Firearms on School Grounds. This item was presented to the Board of Education on August 18, 2016, for information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Policy 3515.2 Business and Noninstructional Operations - Disruptions.

**FISCAL IMPACT**

None.

WMJ:JC:Imc

**DISRUPTIONS**

The Board of Education is committed to providing a safe AND ORDERLY 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 OPERATIONS AT A SCHOOL CAMPUS OR ANY OTHER DISTRICT FACILITY ~~district or school operations~~, threatenS the health and 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 - Dismissal/Suspension/Disciplinary Action)

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

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

(cf. 5131.4 - Student Disturbances)

~~A visitor's failure to register or identify oneself may be considered to be disruptive.~~

~~School safety plans shall specify staff responsibilities to be followed when intruders appear on campus.~~

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing OR THREATENING TO CAUSE a disruption. THE PLAN SHALL ADDRESS, AS APPROPRIATE, VISITOR REGISTRATION PROCEDURES; CAMPUS SECURITY MEASURES; EVACUATION PROCEDURES; LOCK-DOWN PROCEDURES; POSSIBLE RESPONSES TO AN ACTIVE SHOOTER SITUATION; COMMUNICATION WITHIN THE SCHOOL AND WITH PARENTS/GUARDIANS, LAW ENFORCEMENT, AND THE MEDIA IN THE EVENT OF AN EMERGENCY; AND CRISIS COUNSELING OR OTHER ASSISTANCE FOR STUDENTS AND STAFF AFTER 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 WHEN NECESSARY.

(cf. 0450 - Comprehensive Safety Plan)

(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. 4131/4231/4331 - Staff Development)

## **DISRUPTIONS (cont.)**

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.~~

~~(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

30310 Prohibition against ammunition on school grounds

#### **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 (cont.)**

**Management Resources:**

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guide for Developing High-Quality School Emergency Operations Plans, 2013

WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org)

California Department of Education, Safe Schools Office: [www.cde.ca.gov/lr/ss](http://www.cde.ca.gov/lr/ss)

U.S. Department of Education: [www.ed.gov](http://www.ed.gov)

**Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: September 18, 2008

Revised: August 18, 2011

REVISED:

**Chino Valley Unified School District**  
**Our Motto:**  
Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT: NEW BOARD POLICY 3515.7 BUSINESS AND  
NONINSTRUCTIONAL OPERATIONS – FIREARMS ON SCHOOL  
GROUNDS**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The new Board Policy 3515.7 Business and Noninstructional Operations – Firearms on School Grounds reflects new law (SB 707, 2015) which eliminates the exception that had allowed persons with a Carry Concealed Weapon (CCW) license to possess a firearm on campus. Policy contains language which prohibits any person from possessing a firearm on campus, unless that person is specifically allowed such possession by law. This item was presented to the Board of Education on August 18, 2016, for information.

New language is provided in UPPER CASE.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the new Board Policy 3515.7 Business and Noninstructional Operations – Firearms on School Grounds.

**FISCAL IMPACT**

None.

WMJ:JC:Imc



## **FIREARMS ON SCHOOL GROUNDS**

THE BOARD OF EDUCATION IS COMMITTED TO PROVIDING A SAFE ENVIRONMENT FOR STUDENTS, STAFF, AND VISITORS ON CAMPUS. THE SUPERINTENDENT OR DESIGNEE SHALL CONSULT WITH LOCAL LAW ENFORCEMENT, INSURANCE CARRIERS, AND OTHER APPROPRIATE INDIVIDUALS AND AGENCIES TO ADDRESS THE SECURITY OF SCHOOL CAMPUSES.

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

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

(cf. 5131.4 - Student Disturbances)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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.

(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))

DISTRICT POLICY REGARDING THE POSSESSION OF FIREARMS AND/OR AMMUNITION ON SCHOOL GROUNDS SHALL BE INCLUDED IN THE DISTRICT'S COMPREHENSIVE SAFETY PLAN AND SHALL BE COMMUNICATED TO DISTRICT STAFF, PARENTS/GUARDIANS, AND THE COMMUNITY.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

ANY PERSON SPECIFIED IN PENAL CODE 626.9(L)-(O) AND 30310 IS AUTHORIZED TO POSSESS A FIREARM AND/OR AMMUNITION ON SCHOOL GROUNDS. SCHOOL GROUNDS INCLUDE, BUT ARE NOT LIMITED TO, SCHOOL BUILDINGS, FIELDS, STORAGE AREAS, AND PARKING LOTS.

### **Legal Reference:**

#### **EDUCATION CODE**

32281 Comprehensive safety plan

35160 Powers and duties of the board

35161 Powers and duties of the board; authority to delegate

38001.5 District security officers; requirements if carry firearm

**FIREARMS ON SCHOOL GROUNDS (cont.)**

PENAL CODE

626.9 Gun Free School Zone Act

830.32 District police department; district decision to authorize carrying of firearm

16150 Definition of ammunition

16520 Definition of firearm

26150-26225 Concealed weapons permit

30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 18

921 Definitions, firearms and ammunition

922 Firearms, unlawful acts

923 Firearm licensing

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act; student expulsions for possession of firearm

**Management Resources:**

WEBSITES

Office of the Attorney General: [oag.ca.gov/firearms](http://oag.ca.gov/firearms)

**Chino Valley Unified School District**

**POLICY ADOPTED:**

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**SUBJECT: PURCHASE ORDER REGISTER**

=====

**BACKGROUND**

Board Policy 3310 Business and Noninstructional Operations – Purchasing requires approval/ratification of purchase orders by the Board of Education. A purchase order is a legal contract between a district and vendor, containing a description of each item listed and/or a statement to the effect that supplies, equipment or services furnished herewith shall be in accordance with specifications and conditions.

Purchase orders represent a commitment of funds. No item on this register will be processed unless within budgeted funds. The actual payment for the services or materials is made with a warrant (check) and reported on the warrant register report.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the purchase order register, provided under separate cover.

**FISCAL IMPACT**

\$1,399,742.84 to all District funding sources.

WMJ:GJS:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**SUBJECT: AGREEMENTS FOR CONTRACTOR/CONSULTANT SERVICES**

=====

**BACKGROUND**

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board of Education.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

**FISCAL IMPACT**

As indicated.

WMJ:GJS:pw

<b>BUSINESS SERVICES</b>	<b>FISCAL IMPACT</b>
<b>B-1617-005 American Fidelity Administrative Services, LLC.</b> To provide affordable care act employee tracking and employer reporting services. Submitted by: Business Services Duration of Agreement: September 2, 2016 – September 30, 2019	Contract Amount: \$40,000.00 Funding Source: General Fund
<b>B-1617-006 American Fidelity Assurance Company.</b> To provide COBRA administrative services. Submitted by: Business Services Duration of Agreement: July 1, 2016 – June 30, 2019	Contract Amount: \$14,000.00 Funding Source: General Fund
<b>B-1617-007 School Services of California, Inc.</b> To provide fiscal budget services. Submitted by: Business Services Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$2,940.00 Funding Source: General Fund
<b>B-1617-008 Vavrinek, Trine, Day &amp; Co. LLP.</b> To provide auditing services for fiscal years 2016/2017, 2017/2018, and 2018/2019. Submitted by: Business Services Duration of Agreement: July 1, 2016 – June 30, 2019	Contract Amount: \$72,000.00 Funding Source: General Fund

<b>CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT</b>	<b>FISCAL IMPACT</b>
<b>CIIS-1617-021 Solution Tree.</b> To provide professional development. Submitted by: Chino Hills HS Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$6,500.00 Funding Source: Site budget
<b>CIIS-1617-022 Sue Beers.</b> To provide professional development. Submitted by: Professional Development Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: Not to exceed \$17,500.00 Funding Source: Professional Development
<b>CIIS-1617-023 Greisy Winicki Landman.</b> To provide professional development. Submitted by: Professional Development Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: Not to exceed \$4,000.00 Funding Source: Title II
<b>CIIS-1617-024 AVID Center.</b> To provide contracted membership services. Submitted by: Secondary Curriculum Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$22,480.00 Funding Source: LCAP
<b>CIIS-1617-025 No Excuses University.</b> To provide a platform for participating schools to share ideas and collaborate. Submitted by: Elementary Curriculum and Instruction Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$1,119.00 per participating school Funding Source: Site budget
<b>CIIS-1617-026 Heinemann Professional Development.</b> To provide professional development. Submitted by: Elementary Curriculum and Instruction Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$16,800.00 Funding Source: LCAP
<b>CIIS-1617-027 UCLA Graduate School Education &amp; Information Studies, Center X.</b> To provide professional development services; History/Geography project. Submitted by: Professional Development Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$63,760.00 Funding Source: Title II/1Time

<b>CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT</b>	<b>FISCAL IMPACT</b>
<b>CIIS-1617-028 Leading Edge Learning Center, LLC.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-029 Oxford Tutoring Center.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-030 Professional Tutors of America.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-031 Sylvan Learning Center – Chino.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-032 Total Education Solutions.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-033 UROK Learning Institute.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-034 Club Z! In Home Tutoring Services, Inc.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-035 StudentNest.Com.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-036 #1 Academia de Servicio de Tutoria.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP
<b>CIIS-1617-037 Aspirar a la Educacion.</b> To provide tutoring services. Submitted by: Student Support Services Duration of Agreement: September 2, 2016 – June 30, 2017	Contract Amount: \$5,000.00 Funding Source: LCAP

<b>EDUCATIONAL SERVICES</b>	<b>FISCAL IMPACT</b>
<b>ES-1617-039 San Bernardino County Public Health Department.</b> To provide youth development programs. Submitted by: Health Services Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$2,500.00 Funding Source: TUPE Grant
<b>ES-1617-040 A.C.E.S.</b> To provide sign language interpreting services. Submitted by: Educational Services Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$1,000.00 Funding Source: Educational Services

<b>MASTER CONTRACT</b>	<b>FISCAL IMPACT</b>
<b>MC-1617-004 Pacific Youth Sports.</b> To provide youth cheerleading and gymnastics programs. Submitted by: Glenmeade ES/Purchasing Department Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: \$112.00 per participant Funding Source: Parents

<b>APPROVED CONTRACTS TO BE AMENDED</b>	<b>AMENDMENT</b>
<b>B-1516-009 American Fidelity Assurance Company.</b> To provide ACA employer reporting services and time and eligibility services. Submitted by: Business Services Duration of Agreement: September 18, 2015 – June 30, 2016 Original Agreement Board Approved: September 17, 2015	Extend term to September 1, 2016 Increase contract amount from \$6,000.00 to \$9,500.00 Funding Source: General Fund
<b>CIIS-1617-011 ESGI, LLC.</b> To provide educational software for guiding instruction for transitional kindergarten students. Submitted by: Curriculum, Instruction, Innovation, and Support Duration of Agreement: July 1, 2016 – June 30, 2017 Original Agreement Board Approved: June 30, 2016	Increase contract amount from \$2,500.00 to \$10,625.00 Funding Source: General Fund

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**SUBJECT: SURPLUS/OBSOLETE PROPERTY**

=====

**BACKGROUND**

The Board of Education recognizes that the District may own personal property which is unusable, obsolete, or no longer needed by the District. The Superintendent or designee shall arrange for the sale or disposal of District personal property in accordance with Board policy and the requirements of Education Code 17545.

Lists of surplus items are emailed to the Facilities/Planning Department to be placed on an upcoming Board agenda. After Board approval, items may be picked up by District warehouse or a liquidation company for public auction. Proceeds of the sale are deposited into the General Fund.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

**FISCAL IMPACT**

Increase to the General Fund from proceeds of sale.

WMJ:GJS:pw



**CHINO VALLEY UNIFIED SCHOOL DISTRICT  
SURPLUS/OBSOLETE PROPERTY**

September 1, 2016

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Scanner	Lexmar	06140059438	Ayala HS
Monitor	Dell	E178FPV	Ayala HS
Hard Drive	Dell	F9XW7C1	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-2052	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-1375	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-6459	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-1592	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-2706	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-6679	Ayala HS
Laptop	Dell	CN-06P823-48155-24F-8948	Ayala HS
Laptop	Dell	CN-06P823-48155-24H-5131	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-2615	Ayala HS
Scanner	HP	SDG0B-0602	Ayala HS
AC Power Adaptor		E5289ROB8H01	Ayala HS
TV w/Mount	RCA	723571357	Ayala HS
Speakers (2 sets)	Phillips Magnavox	E9911945	Ayala HS
Laptop	Dell	CN-06P823-48155-24H-3578	Ayala HS
Laptop	Dell	TW-09C748-12800-15B-1369	Ayala HS
Laptop	Dell	CN-06P823-48155-24H-4736	Ayala HS
Keyboard	Dell	CN-ODJ331-71616-78K-0AG	Ayala HS
Battery Module	Dell	JP-075VYF-12796-15E-0VHD	Ayala HS
Note Vision	Sharp	704929787	Ayala HS
Scanmaker	Microtek	W7B54D00056	Ayala HS
Battery	Dell	CN-09364V-16291-183-015C	Ayala HS
Remote Control	Sharp	DC3V	Ayala HS
Printer	Phaser 8560MFP	160-200V-50/60	Chino Hills HS

## CHINO VALLEY UNIFIED SCHOOL DISTRICT

### Our Motto:

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Martin Silveira, Director, Maintenance, Operations and Construction

**SUBJECT: CHANGE ORDERS AND NOTICE OF COMPLETION FOR BID NO. 15-16-05, INSTALLATION OF NEW SINGLE PLY ROOFING AT VARIOUS SITES**

=====

### **BACKGROUND**

On May 19, 2016, the Board of Education awarded Bid No. 15-16-05, Installation of New Single Ply Roofing at Various Sites to Bligh Pacific Inc. (Glenmeade ES, Walnut ES, and Professional Development Center), Letner Roofing Co. (District Offices, Oxford Preparatory Academy, and Magnolia JHS), and Best Contracting Services, Inc. (Oak Ridge ES).

During the course of construction, modifications to the original approved plans were made due to unforeseen conditions, revisions, or amended project scope. The following change orders have been reviewed and recommended for approval by District staff.

Change Order	Contractor	Amount
1	Bligh Pacific, Inc.	\$30,564.00
	Bid Amount	\$859,948.00
	Revised Total Project Amount	\$890,512.00

The Bligh Pacific, Inc. change order results in a net increase of \$30,564.00 to the construction cost and no change in contract time. The revised total project cost, including the change order is \$890,512.00.

Change Order	Contractor	Amount
1	Best Contracting Services, Inc.	\$22,000.00
	Bid Amount	\$258,100.00
	Revised Total Project Amount	\$280,100.00

The Best Contracting Services, Inc. change order results in a net increase of \$22,000.00 to the construction cost and no change in contract time. The revised total project cost, including the change order is \$280,100.00.

All contracted work was completed on August 18, 2016. Contract summary for each contractor is provided below.

**Bligh Pacific Inc.**

<b>Original Bid Amount</b>	<b>Approved Change Orders</b>	<b>Total Contract</b>	<b>5% Retention Amount</b>
\$859,948.00	\$30,564.00	\$890,512.00	\$44,525.60

**Letner Roofing Company**

<b>Original Bid Amount</b>	<b>Approved Change Orders</b>	<b>Total Contract</b>	<b>5% Retention Amount</b>
\$195,101.00	N/A	\$195,101.00	\$9,755.05

**Best Contracting Services, Inc.**

<b>Original Bid Amount</b>	<b>Approved Change Orders</b>	<b>Total Contract</b>	<b>5% Retention Amount</b>
\$258,100.00	\$22,000.00	\$280,100.00	\$14,005.00

Documentation indicating satisfactory completion and compliance with specifications and project requirements has been obtained from the following individuals; Karen Morales, Principal Walnut ES; Denise Sunderland, Principal, Glenmeade ES; John Miller, Principal, Magnolia JHS; Andrew Crowe, Principal, Oxford Preparatory Academy; Christine Hinkle, Principal, Oak Ridge ES; Bill Childress, Construction Coordinator; and Martin Silveira, Director, Maintenance, Operations, and Construction.

Staff recommends approval of the Change Orders and Notice of Completion for this bid. The final retention payment of 5% of the value of work done under this contract shall be made 35 days after the Notice of Completion is recorded with the County Recorder.

Approval of this item supports the goals identified within the District's Strategic Plan.

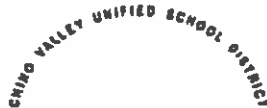
**RECOMMENDATION**

It is recommended the Board of Education approve the Change Orders and Notice of Completion for Bid No. 15-16-05, Installation of New Single Ply Roofing at Various Sites.

**FISCAL IMPACT**

\$52,564.00 to RMA Fund 01.

WMJ:GJS:MS:pw



Student Achievement • Safe Schools  
Positive School Climate

## CHINO VALLEY UNIFIED SCHOOL DISTRICT

Maintenance, Operations & Construction Department  
5130 Riverside Drive  
Chino, CA 91719  
Telephone: 909.628.1201 x1450 FAX: 909.590.1639

### C H A N G E O R D E R # 1

DATE: 8/1/2016

PROJECT / BID #: 15-16-05

OWNER: Chino Valley Unified School District

CONTRACTOR: Bligh Pacific Commercial and Industrial Roofing

#### THE CONTRACTOR IS HEREBY AUTHORIZED TO DO THE FOLLOWING:

Change Order #1.0 Walnut Elem. replace broken drain rings and covers \$1,350.00  
Requested by: The District  
Reason: Required for proper function.

Change Order # 1.1 Glenmeade Elem. Replace drain rings and covers, apply anti corrosion material to roof deck. \$4,988.00  
Requested by: The District  
Reason: Prevent corrosion and repair drains.

Change Order # 1.2 Glenmeade add library roof to project \$24,876.00  
Requested by: The District  
Reason: Was not part of the original scope

Change Order # 1.3 Credit to repair damaged HVAC refrigerant line at Walnut Elem. (\$650.00)  
Requested by: The District  
Reason: Damage caused by contractor

The original contract amount was: \$859,948.00  
The contract amount will be increased/decreased by this Change Order: \$30,564.00  
The new contract amount including this Change Order will be: \$890,512.00  
The original contract completion date:  
The contract time will remain the same  
The date of completion as a result of this Change Order is: 8/15/16

#### APPROVED BY:

GENERAL CONTRACTOR (Bob Bligh)

CVUSD CONSTRUCTION COORDINATOR (Bill Childress)

CVUSD DIRECTOR OF MAINTENANCE, OPERATIONS & CONSTRUCTION  
(Martin Silveira)

OWNER (Greg Stachura)

DATE

8/18/16

DATE

8/18/16

DATE

8/18/16

DATE



Student Achievement • Safe Schools  
Positive School Climate

## CHINO VALLEY UNIFIED SCHOOL DISTRICT

Maintenance, Operations & Construction Department  
5130 Riverside Drive  
Chino, CA 91719  
Telephone: 909.628.1201 x1450 FAX: 909.580.1639

### CHANGE ORDER # 1

DATE: 8/1/2016

PROJECT / BID #: 15-16-05

OWNER: Chino Valley Unified School District

CONTRACTOR: Best Contracting Services.

#### THE CONTRACTOR IS HEREBY AUTHORIZED TO DO THE FOLLOWING:

Change Order # 1: Remove roofing tile and replace with Dens Deck and cover with single ply roofing. \$22,000.00

Requested by: The District

Reason: Required but not in original scope

The original contract amount was:

\$ 258,100.00

The contract amount will be increased/decreased by this Change Order:

\$ 22,000.00

The new contract amount including this Change Order will be:

\$280,100.00

The original contract completion date:

The contract time will remain the same

The date of completion as a result of this Change Order is: 8/15/16

APPROVED BY:

GENERAL CONTRACTOR (Randy Apple)

CVUSD CONSTRUCTION COORDINATOR (Bill Childress)

CVUSD DIRECTOR OF MAINTENANCE, OPERATIONS & CONSTRUCTION  
(Martin Silveira)

OWNER (Greg Stachura)

8/4/16

DATE

8/4/16

DATE

8/8/16

DATE

8/9/16

DATE

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Martin Silveira, Director, Maintenance, Operations and Construction

**SUBJECT: CHANGE ORDER AND NOTICE OF COMPLETION FOR BID  
NO. 15-16-07, EXTERIOR PAINTING AT VARIOUS SITES**

=====

**BACKGROUND**

On June 16, 2016, the Board of Education awarded Bid No. 15-16-07, Exterior Painting at Various Sites to European Style Painting Company (Butterfield Ranch ES, Glenmeade ES, Hidden Trails ES, Walnut ES), and Omega Construction, Inc. (Townsend JHS lockers).

During the course of construction, modifications to the original approved plans were made due to unforeseen conditions, revisions, or amended project scope. The following change orders have been reviewed and recommended for approval by District staff.

Change Order	Contractor	Amount
1	European Style Painting Co.	\$23,250.00
	Bid Amount	\$293,500.00
	Revised Total Project Amount	\$316,750.00

This change order results in a net increase of \$23,250.00 to the construction cost and no change in contract time. The revised total project cost, including the change order is \$316,750.00.

All contracted work was completed on August 18, 2016. Contract summary for each contractor is provided below.

**European Style Painting Co.**

Original Bid Amount	Approved Change Orders	Total Contract	5% Retention Amount
\$293,500.00	\$23,250.00	\$316,750.00	\$15,837.50

**Omega Construction, Inc.**

Original Bid Amount	Approved Change Orders	Total Contract	5% Retention Amount
\$28,700.00	N/A	\$28,700.00	\$1,435.00

Documentation indicating satisfactory completion and compliance with specifications and project requirements has been obtained from the following individuals: Patti Jewell, Principal, Butterfield Ranch ES; Denise Sunderland, Principal, Glenmeade ES; Lisa Sura, Principal, Hidden Trails ES; Karen Morales, Principal, Walnut ES; Robert Nelson, Principal, Townsend JHS; Bill Childress, Construction Coordinator; and Martin Silveira, Director, Maintenance, Operations, and Construction.

Staff recommends approval of the Change Orders and Notice of Completion for this bid. The final retention payment of 5% of the value of work done under this contract shall be made 35 days after the Notice of Completion is recorded with the County Recorder.

Approval of this item supports the goals identified within the District's Strategic Plan.

### **RECOMMENDATION**

It is recommended the Board of Education approve the Change Order and Notice of Completion for Bid No. 15-16-07, Exterior Painting at Various Sites.

### **FISCAL IMPACT**

\$23,250.00 to RMA Fund 01.

WMJ:GJS:MS:pw



## CHINO VALLEY UNIFIED SCHOOL DISTRICT

Maintenance, Operations & Construction Department  
5130 Riverside Drive  
Chino, CA 91719  
Telephone: 909.628.1201 x1450 FAX: 909.590.1639

### C H A N G E O R D E R # 1

DATE: 8/18/16

PROJECT / BID #:15-16-07

OWNER: Chino Valley Unified School District

CONTRACTOR: European Style Painting Company.

#### THE CONTRACTOR IS HEREBY AUTHORIZED TO DO THE FOLLOWING:

Change Order # 1.0 Butterfield Elem. Repaint door frames and window frames a different color Requested by: The District Reason: Site Administrator requested a change in the color.	\$10,000.00
Change Order #1.1 Glenmeade Elem. Paint the CMU block throughout the campus Requested by: The District Reason: Requested by the site administrator and not in original scope	\$11,000.00
Change Order #1.2 Glenmeade paint interior doors & frames in the office. Requested by: The District Reason: Site Administrators request	\$1350.00
Change Order #1.2 Walnut Elem. Purchase additional paint for lid of walkways Requested by: The District Reason: To keep new site colors uniform	\$900.00

The original contract amount was:	\$293,500.00
The contract amount will be increased/decreased by this Change Order:	\$ 23,250.00
The new contract amount including this Change Order will be:	\$316,750.00
The original contract completion date: 8/15/16	
The contract time will <u>remain the same</u> :	
The date of completion as a result of this Change Order is: 8/15/16	

#### APPROVED BY:

GENERAL CONTRACTOR (Silviana Argente)

CVUSD CONSTRUCTION COORDINATOR (Bill Childress)

CVUSD DIRECTOR OF MAINTENANCE, OPERATIONS & CONSTRUCTION  
(Martin Silveira)

OWNER (Greg Stachura)

8/18/16

DATE

8/18/16

DATE

8/18/16

DATE

DATE



## CHINO VALLEY UNIFIED SCHOOL DISTRICT

### Our Motto:

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**SUBJECT: NOTICE OF COMPLETION FOR CUPCCAA PROJECTS**

=====

### **BACKGROUND**

On May 9, 2013, the Board of Education adopted Resolution 2012/2013-71, Adoption of California Uniform Public Construction Cost Accounting Act (CUPCCAA). Per Public Contract Code 22030, the adoption of CUPCCAA allows the use of alternate bidding procedures for projects under \$175,000.00, while still ensuring the District receives the lowest pricing possible from responsible vendors and contractors. Utilizing CUPCCAA, the District has completed the projects listed below.

<b>CUPCCAA Project</b>	<b>Project Description</b>	<b>Contractor</b>	<b>Original Quotation</b>	<b>Change Order</b>	<b>Total</b>	<b>Funding Source</b>
CC2016-36	Administration Office Remodel at Don Lugo HS	WCCR Construction Inc.	\$39,871.00	\$3,800.00	\$43,671.00	25
CC2016-42	Security Fencing for Eagle Canyon ES	Mesa Fence Co., Inc.	\$29,565.00	\$400.00	\$29,965.00	25
CC2016-43	Walk in Freezer and Refrigerator Replacement at Don Lugo HS	WestPoint Refrigeration & HVAC Inc.	\$83,193.00	\$5,700.00	\$88,893.00	01
CC2017-001	Hazardous Material Abatement at Oak Ridge ES	American Services Group of California, Inc.	\$24,450.00	N/A	\$24,450.00	01

Documentation indicating satisfactory completion and compliance with specifications has been obtained from school site administrators; Bill Childress, Construction Coordinator; Martin Silveira, Director, Maintenance, Operations, and Construction; and Jonathan Campbell, Project Manager.

Staff recommends approval of the Notice of Completion for these projects.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the Notice of Completion for CUPCCAA Projects.

**FISCAL IMPACT**

\$43,671.00 to RDA Fund 25.

\$29,965.00 to Tax A Fund 25.

\$88,893.00 to General Fund 01.

\$24,450.00 to RMA Fund 01.

WMJ:GJS:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**SUBJECT: REVISION OF BOARD POLICY 3270 BUSINESS AND  
NONINSTRUCTIONAL OPERATIONS - SALE AND DISPOSAL OF  
BOOKS, EQUIPMENT, AND SUPPLIES**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 3270 Business and Noninstructional Operations - Sale and Disposal of Books, Equipment, and Supplies is being revised to reflect new language in paragraph four only. This agenda item was presented to the Board of Education on August 18, 2016, for information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve the revision of Board Policy 3270 Business and Noninstructional Operations - Sale and Disposal of Books, Equipment, and Supplies.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

The Board of Education recognizes its fiscal responsibility to maximize the use of District equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective District operations. When the Board, upon recommendation of the Superintendent or designee, declares any District-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold or otherwise disposed of as prescribed by law and administrative regulation.

(cf. 0440 - District Technology Plan)

(cf. 3512 - Equipment)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6163.1 - Library Media Centers)

The Board shall approve the price and terms of any sale or lease of personal property of the District.

If the Board members who are in attendance at a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500.00 in value, the property may be sold without advertising for bids. (Education Code 17546)

If the Board members who are in attendance at a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping IN DISTRICT TRASH. (Education Code 17546)

Instructional materials shall be considered obsolete or unusable by the District if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the District's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the District. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

## **SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (cont.)**

### **3. Are damaged beyond use or repair**

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6011 - Academic Standards)  
(cf. 6143 - Courses of Study)

The Superintendent or designee shall establish procedures to be used whenever the District sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return.  
(34 CFR 80.32)

(cf. 3440 - Inventories)

#### **Legal Reference:**

##### EDUCATION CODE

17540-17542 Sale or Lease of Personal Property by one District to Another

17545-17555 Sale of Personal Property

35168 Inventory, Including Record of Time and Mode of Disposal

60510-60530 Sale, Donation, or Disposal of Instructional Materials

##### GOVERNMENT CODE

25505 District Property; Disposition; Proceeds

##### CODE OF REGULATIONS, TITLE 5

3944 Consolidated Categorical Programs, District Title to Equipment

3946 Disposal of Equipment Purchased With State and Federal Consolidated Application Funds

##### UNITED STATES CODE, TITLE 40

549 Surplus Property

##### CODE OF FEDERAL REGULATIONS, TITLE 34

80.32-80.33 Equipment and Supplies Acquired Under a Grant or Subgrant

#### **Management Resources:**

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2013

##### WEBSITES

California Department of Education: [www.cde.ca.gov](http://www.cde.ca.gov)

School Services of California, Inc.: [www.sscal.com](http://www.sscal.com)

## **Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: September 18, 2008

Revised: November 4, 2010

Revised: December 10, 2015

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**Our Motto:**  
Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Human Resources  
Lea Fellows, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: CERTIFICATED/CLASSIFIED PERSONNEL ITEMS**

=====

**BACKGROUND**

Board approval of personnel transactions is required by Board Bylaw 9324 Bylaws of the Board - Minutes and Recordings and Education Code 35163. Included are new hires based on need, which includes replacements, growth, and/or class size reduction.

Approval of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education approve/ratify the certificated/classified personnel items.

**FISCAL IMPACT**

All personnel assignments are within the approved staffing ratio for the appropriate school year budget.

WMJ:GP:LF:RR:mcm

**CERTIFICATED PERSONNEL**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
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**HIRED AT APPROPRIATE PLACEMENT ON THE CERTIFICATED MANAGEMENT SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2016/2017 SCHOOL YEAR**

MCCLAIN, Kathryn	Program Specialist	Special Education	09/02/2016
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**CORRECTION TO EFFECTIVE DATE READ OUT FROM CLOSED SESSION ON AUGUST 18, 2016**

BEARDEN, Barbara	Assistant Principal	Country Springs ES	TBD
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**RESIGNATION**

CUMMINS, Ryan	Principal	Canyon Hills JHS	08/12/2016
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**HIRED AT APPROPRIATE PLACEMENT ON THE CERTIFICATED SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2016/2017 SCHOOL YEAR**

PEREZ, Ernesto	Special Ed. Teacher	Borba ES	08/15/2016
WILLIAMS, Bridgette	Special Ed. Teacher	Dickson ES	08/15/2016
WORSTER, Melissa	Elementary Teacher	Glenmeade ES	08/12/2016
HART, Shiloh	Child Dev. Teacher	Oak Ridge ES	09/02/2016
PARK, Julie	Elementary Teacher	Briggs K-8	08/12/2016
HONIG, Pinchas	Math Teacher	Townsend JHS	08/22/2016
BERGHOEFER, Kevin	Computer Teacher	Woodcrest JHS	08/15/2016
GARCIA, Elvis	Special Ed. Teacher	Woodcrest JHS	08/17/2016
LINENBERGER, Virginia	Special Ed. Teacher	Chino Hills HS	08/17/2016
WHITE, Brittany	School Nurse	Health Services	09/06/2016

**RESIGNATIONS**

ZIERER, Lauren	English Teacher	Canyon Hills JHS	08/10/2016
ECKOLS, Steven	JROTC Teacher	Don Lugo HS	08/15/2016

**APPOINTMENT – EXTRA DUTY**

CARROLL, Nathan (NBM)	Band (B)	Townsend JHS	09/02/2016
PATTERSON, Jessica (NBM)	Band (B)	Townsend JHS	09/02/2016
BATY, James	Football (B)	Ayala HS	09/02/2016
COURDTS, Michael (NBM)	Water Polo (B)	Ayala HS	09/02/2016
JUAREZ JR., Jorge (NBM)	Baseball (B)	Ayala HS	09/02/2016
TYLER, Teresa (NBM)	Football (B)	Ayala HS	09/02/2016
AQUINO, Rachel	Track & Field (GF)	Chino HS	09/02/2016
LEACH, Jonathon (NBM)	Football (B)	Chino HS	09/02/2016
REAL, Joseph (NBM)	Band (B)	Chino HS	09/02/2016

**CERTIFICATED PERSONNEL** (cont.)

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
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**APPOINTMENT – EXTRA DUTY** (cont.)

RESENDEZ, Eduardo (NBM)	Football (B)	Chino HS	09/02/2016
ROMERO, Anthony (NBM)	Football (B)	Chino HS	09/02/2016
TORRES, Peter (NBM)	Track & Field (GF)	Chino HS	09/02/2016
EICHMANN, Lauren (NBM)	Pep Squad (B)	Chino Hills HS	09/02/2016
GADEA, Jamie (NBM)	Pep Squad (B)	Chino Hills HS	09/02/2016
HARRINGTON, David	Football (B)	Chino Hills HS	09/02/2016
JONES, Brian (NBM)	Pep Squad (B)	Chino Hills HS	09/02/2016
		TOTAL	\$7,052.00

**APPOINTMENT OF CERTIFICATED SUBSTITUTES EFFECTIVE JULY 1, 2016,  
THROUGH JUNE 30, 2017**

ALI, Baynezeermina	ANDERSON, Nancy	CARLSON, Kathryn
DENNIS, Scott	FRANCO, Lilia	GAYNORPEREZ, Jennifer
GROENER, Carole	HARGROVE, Jennifer	HUNTER, Devin
KERTESZ, Celeste	LARIOS, Fabiola	PLASCENCIA, Andy
ROJAS, Edaid		



**CLASSIFIED PERSONNEL**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
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**CORRECTION TO EFFECTIVE DATE READ OUT FROM CLOSED SESSION ON AUGUST 18, 2016**

QUIRARTE, Javier	Director	Nutrition Services	09/05/2016
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**HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED SALARY SCHEDULE****APPOINTMENT**

PATEL, Meena	IA/SPED/SH (SELPA/GF)	Country Springs ES	09/02/2016
FERNANDEZ, Solana	IA/Computer Asst. Instr. (C)	Liberty ES	09/02/2016
GONZALEZ, Byron	IA/SPED/SH (SELPA/GF)	Rolling Ridge ES	09/02/2016
MEDINA, Roberta	IA/Childhood Ed (CDF)	Buena Vista HS	09/02/2016
HERNANDEZ, Elena	Career Center Guidance Technician (ROP)	Don Lugo HS	09/02/2016

**PROMOTION**

CHAVEZ, Michelle	FROM: Nutrition Services Mgr. I (NS) 3.75 hrs./183 work days TO: Typist Clerk II (GF) 8 hrs./201 work days	Country Springs ES  Country Springs ES	09/02/2016
LYNDES, Michelle	FROM: Attendance Clerk (GF) 8 hrs./195 work days TO: Assistant Principal Secretary (GF) 8 hrs./213 work days	Ayala HS  Don Lugo HS	09/02/2016

**CHANGE IN ASSIGNMENT**

LOPEZ, Lisa	FROM: Health Tech. (GF). 3.5 hrs./185 work days TO: Typist Clerk II (GF) 8 hrs./201 work days	Newman ES  Newman ES	09/02/2016
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**RESIGNATION**

DE LA CRUZ, Christina	Nutrition Services Asst. I (NS)	Glenmeade ES	08/15/2016
MORALES, Kathleen	IA/SPED/SH (SELPA/GF)	Ayala HS	08/12/2016
MULL, Rocio	Security Person (GF)	Chino HS	08/26/2016
MORENO, Nicholas	IA/SPED/SDC (SELPA/GF)	Don Lugo HS	08/12/2016
ANTHONY, Marc	Bus Driver (GF)	Transportation	08/09/2016

**CLASSIFIED PERSONNEL** (cont.)

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
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**RETIREMENT**

THIBODEAUX, Nelvina (22 years of service)	Nutrition Services Asst. I (NS)	Hidden Trails ES	09/15/2016
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**APPOINTMENT OF SHORT TERM POSITIONS EFFECTIVE JULY 1, 2016, THROUGH DECEMBER 31, 2016**

TBD	Custodian I	Rhodes ES
TBD	Custodian I	Cal Aero K-8

**APPOINTMENT OF CLASSIFIED SUBSTITUTES EFFECTIVE JULY 1, 2016, THROUGH JUNE 30, 2017**

ADAME, Melissa	BUSHENDORF, Joanne	GOMEZ, Laura
GORDON, Diane	GUARACHA, Erma	HERRERA, Maria
HERRERA, Mark	JOHNSON, Kelly	JOHNSON, Nzinga
LEON, Belen	LOPEZ, Kimberly	MEJIA, Fabiola
NGUYEN, Diem	RICHARDSON, Christopher	SALAZAR, Sandra
SLEGGERS, Gwenda	THURLO, David	THURLO, Debra
VILLARREAL, Cynthia	VINES, Jennet	

(504) = Federal Law for Individuals with Handicaps  
 (ACE) = Ace Driving School  
 (ASB) = Associated Student Body  
 (ASF) = Adult School Funded  
 (ATE) = Alternative to Expulsion  
 (B) = Booster Club  
 (BTSA) = Beginning Teacher Support & Assessment  
 (C) = Categorically Funded  
 (CAHSEE) = California High School Exit Exam  
 (CC) = Children's Center (Marshall)  
 (CDF) = Child Development Fund  
 (CSR) = Class Size Reduction  
 (CVLA) = Chino Valley Learning Academy  
 (CWY) = Cal Works Youth  
 (E-rate) = Discount Reimbursements for Telecom.  
 (G) = Grant Funded  
 (GF) = General Fund  
 (HBE) = Home Base Education  
 (MM) = Measure M – Fund 21

(MAA) = Medi-Cal Administrative Activities  
 (MH) = Mental Health – Special Ed.  
 (NBM) = Non-Bargaining Member  
 (ND) = Neglected and Delinquent  
 (NS) = Nutrition Services Budget  
 (OPPR) = Opportunity Program  
 (PFA) = Parent Faculty Association  
 (R) = Restricted  
 (ROP) = Regional Occupation Program  
 (SAT) = Saturday School  
 (SB813) = Medi-Cal Admin. Activities Entity Fund  
 (SELPA) = Special Education Local Plan Area  
 (SOAR) = Students on a Rise  
 (SPEC) = Spectrum Schools  
 (SS) = Summer School  
 (SWAS) = School within a School  
 (VA) = Virtual Academy  
 (WIA) = Workforce Investment Act

**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services  
Laurel Mullally, Ed.D., Director, Health Services/Child Development

**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE  
REGULATION 3513.3 BUSINESS AND NONINSTRUCTIONAL  
OPERATIONS – TOBACCO-FREE SCHOOLS**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy and Administrative Regulation 3513.3 Business and Noninstructional Operations – Tobacco-Free Schools are being updated to reflect new law (ABX2 9, 2016), which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses. Policy also reflects new definitions of "smoking" and "tobacco" pursuant to new law (SBX2 5, 2016). Regulation reflects provision of ABX2 9, which requires signs prohibiting tobacco use to be displayed at all school entrances, and deletes option to designate a smoking area on campus.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education receive for information the revision to Board Policy and Administrative Regulation 3513.3 Business and Noninstructional Operations – Tobacco-Free Schools.

**FISCAL IMPACT**

None.

WMJ:JC:LM:lmc

**TOBACCO-FREE SCHOOLS**

The Board of Education recognizes that SMOKING AND OTHER USES OF TOBACCO AND NICOTINE PRODUCTS CONSTITUTE A SERIOUS PUBLIC HEALTH HAZARD ~~AND the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke,~~ are inconsistent with DISTRICT its goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)  
(cf. 4159/4259/4359 - Employee Assistance Programs)  
(cf. 5030 - Student Wellness)  
(cf. 5131.62 - Tobacco)  
(cf. 5141.23 - Asthma Management)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6143 - Courses of Study)

The Board prohibits SMOKING AND/OR the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)  
(cf. 1330.1 - Joint Use Agreements)

SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING OF ANY LIGHTED OR HEATED CIGAR, CIGARETTE, PIPE, TOBACCO, OR PLANT PRODUCT INTENDED FOR INHALATION, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR FORM, AND INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE THAT CREATES AEROSOL OR VAPOR OR OF ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION OF SMOKING. (BUSINESS AND PROFESSIONS CODE 22950.5; EDUCATION CODE 48901)

TOBACCO PRODUCTS INCLUDE: (BUSINESS AND PROFESSIONS CODE 22950.5; EDUCATION CODE 48901)

1. ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO, CIGARETTES, CIGARS, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO, OR SNUFF

**TOBACCO-FREE SCHOOLS (cont.)**

2. AN ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER VAPORIZED LIQUIDS TO THE PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH
3. ANY COMPONENT, PART, OR ACCESSORY OF A TOBACCO PRODUCT WHETHER OR NOT SOLD SEPARATELY

THIS POLICY DOES NOT PROHIBIT THE USE OR POSSESSION OF PRESCRIPTION PRODUCTS AND OTHER CESSATION AIDS THAT HAVE BEEN APPROVED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION, SUCH AS NICOTINE PATCH OR GUM.

~~Prohibited products include any product containing tobacco and/or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices, such as electronic cigarettes, any time, in charter school(s) or school district-owned or leased buildings, on school or District property, and in school or District vehicles. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property. Other vapor emitting electronic devices, such as electronic hookah, with or without nicotine content, that mimic the use of tobacco products, are also prohibited.~~

Smoking or use of any tobacco-related products OR and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. IN ADDITION, ANY FORM OF INTIMIDATION, THREAT, OR RETALIATION AGAINST A PERSON FOR ATTEMPTING TO ENFORCE THIS POLICY IS PROHIBITED. (Health and Safety Code 104495)

**Legal Reference:****EDUCATION CODE**

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

**BUSINESS AND PROFESSIONS CODE**

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

**HEALTH AND SAFETY CODE**

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

**LABOR CODE**

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

## **TOBACCO-FREE SCHOOLS (cont.)**

### UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

### CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

### PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

## **Management Resources:**

### WEBSITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

[www.cde.ca.gov/ls/he/at](http://www.cde.ca.gov/ls/he/at)

California Department of Education, Tobacco-Free School District Certification:

[www.cde.ca.gov/ls/he/at/tobaccofreecert.asp](http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp)

California Department of Public Health, Tobacco Control: [www.cdph.ca.gov/programs/tobacco](http://www.cdph.ca.gov/programs/tobacco)

Occupational Safety and Health Standards Board: [www.dir.ca.gov/OSHSB/oshsb.html](http://www.dir.ca.gov/OSHSB/oshsb.html)

U.S. Environmental Protection Agency: [www.epa.gov](http://www.epa.gov)

## **Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: December 15, 2005

Revised: September 18, 2008

Revised: September 19, 2013

REVISED:

**TOBACCO-FREE SCHOOLS****Notifications**

Information about the District's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee may disseminate this information through annual written notifications, District and school websites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Websites)

THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT signs stating "Tobacco Use is Prohibited" ARE ~~shall be~~ prominently displayed at all entrances to school property. (Health and Safety Code 104420)

**Enforcement/Discipline**

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property.
2. Request local law enforcement assistance in removing the person from school premises.
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering District property for a specified period of time.

(cf. 1250 - Visitors/Outsiders)  
(cf. 3515.2 - Disruptions)

**TOBACCO-FREE SCHOOLS (cont.)**

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the District or any employee. (Labor Code 6404.5)

**Chino Valley Unified School District**

Regulation approved: November 17, 2005

Revised: September 5, 2013

REVISED:



**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services  
**SUBJECT:** **REVISION OF BOARD POLICY 5131.2 STUDENTS - BULLYING**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 5131.2 Students – Bullying is being revised to reflect district practice. Updated policy designates the Director of Student Support Services to serve as the compliance officer for district bullying complaints.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education receive for information the revision of Board Policy 5131.2 Students – Bullying.

**FISCAL IMPACT**

None.

WMJ:JC:Imc

**BULLYING**

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

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

(cf. 5131 – Conduct)  
(cf. 5136 – Gangs)  
(cf. 5145.3 – Nondiscrimination/Harassment)  
(cf. 5145.7 – Sexual Harassment)  
(cf. 5145.9 – Hate-Motivated Behavior)

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

(cf. 5145.2 – Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plans, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 – School Plans/Site Councils)  
(cf. 0450 – Comprehensive Safety Plan)  
(cf. 0460 – Local Control and Accountability Plan)  
(cf. 1220 – Citizen Advisory Committees)  
(cf. 1400 – Relations between Other Governmental Agencies and the Schools)  
(cf. 6020 – Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

## **BULLYING (cont.)**

### **Bullying Prevention**

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

(cf. 5137 – Positive School Climate)

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

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

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. 4131 – Staff Development)  
(cf. 4231 – Staff Development)  
(cf. 4331 – Staff Development)

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

### **Intervention**

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

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

## **BULLYING (cont.)**

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

### **Report and Filing of Complaints**

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's SITE LEVEL GRIEVANCE ~~uniform complaint~~ procedure specified in ADMINISTRATIVE REGULATION 5145.7 ~~1312.3 Uniform Complaint Procedures~~.

(cf. ~~1312.3 - Uniform Complaint Procedures~~)

THE BOARD OF EDUCATION DESIGNATES THE FOLLOWING POSITION AS THE DISTRICT COMPLIANCE OFFICER AND DESIGNEE REGARDING STUDENT-ON-STUDENT BULLYING COMPLAINTS:

STEPHANIE JOHNSON  
DIRECTOR, STUDENT SUPPORT SERVICES  
13453 RAMONA AVENUE, CHINO, CA 91710  
(909) 628-1201 EXT. 7750

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify THE DIRECTOR OF STUDENT SUPPORT SERVICES. ~~a district compliance officer identified in AR 1312.3.~~

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

**BULLYING (cont.)**

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee also may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or DIRECTOR OF STUDENT SUPPORT SERVICES ~~a district compliance officer~~ shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 5145.7 SEXUAL HARASSMENT SITE LEVEL GRIEVANCE PROCEDURE ~~AR 1312.3~~. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

**Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the districts SITE LEVEL GRIEVANCE PROCEDURE ~~uniform complaint procedures~~ specified in AR 5145.7 ~~1312.3~~.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

**Discipline**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 5144 – Discipline)

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

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

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

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

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

## **BULLYING (cont.)**

### **Legal Reference:**

#### EDUCATION CODE

200-262.4 Prohibition of discrimination  
32282 Comprehensive safety plan  
32283.5 Bullying; online training  
35181 Governing board policy on responsibilities of students  
35291-35291.5 Rules  
48900-48925 Suspension or expulsion  
48985 Translation of notices  
52060-52077 Local control and accountability plan

#### PENAL CODE

422.55 Definition of hate crime  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
647.7 Use of camera or other instrument to invade person's privacy; punishment  
653.2 Electronic communication devices, threats to safety

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
110.25 Notification of nondiscrimination on the basis of age

#### COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062  
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
Lavine v. Blaine School District, (2002) 279 F.3d 719

### **Management Resources:**

#### CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014  
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009  
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter: Harassment and Bullying, October 2010

**BULLYING (cont.)**

WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org)  
California Department of Education, Safe Schools Office: [www.cde.ca.gov/lr/ss](http://www.cde.ca.gov/lr/ss)  
Common Sense Media: [www.common sense media.org](http://www.common sense media.org)  
National School Safety Center: [www.schoolsafety.us](http://www.schoolsafety.us)  
ON[the]LINE, digital citizenship resources: [www.onthelineca.org](http://www.onthelineca.org)  
U.S. Department of Education: [www.ed.gov](http://www.ed.gov)

**Chino Valley Unified School District**

Policy adopted: June 14, 2012

Revised: November 5, 2015

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services  
Laurel Mullally, Ed.D., Director, Health Services/Child Development

**SUBJECT: REVISION OF BOARD POLICY 5131.62 STUDENTS - TOBACCO**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 5131.62 Students – Tobacco reflects new law (ABX2 9, 2016) which requires all districts, not just those receiving state Tobacco-Use Prevention Education funds, to prohibit tobacco use on school campuses and NEW LAW (SBX2 5, 2016) which establishes new definitions of "smoking" and "tobacco."

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education receive for information the revision to Board Policy 5131.62 Students - Tobacco.

**FISCAL IMPACT**

None.

WMJ:JC:LM:lmc



**TOBACCO**

The Board of Education recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 – Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

**Prohibition against Tobacco Use**

Students shall not possess, smoke, or use tobacco, or any product containing tobacco or nicotine while on ~~CAMPUS school district property~~, while attending school-sponsored activities, or while under the supervision and control of district employees. ~~Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.~~ (Education Code 48900, 48901)

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 5131 – Conduct)

(cf. 5144 – Discipline)

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

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

SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING OF ANY LIGHTED OR HEATED CIGAR, CIGARETTE, PIPE, TOBACCO, OR PLANT PRODUCT INTENDED FOR INHALATION, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR FORM, AND INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE THAT CREATES AEROSOL OR VAPOR OR OF ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION OF SMOKING. (BUSINESS AND PROFESSIONS CODE 22950.5; EDUCATION CODE 48901)

**TOBACCO** (cont.)

TOBACCO PRODUCTS INCLUDE: (BUSINESS AND PROFESSIONS CODE 22950.5; EDUCATION CODE 48901)

1. A PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO, CIGARETTES, CIGARS, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO, OR SNUFF
2. AN ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER VAPORIZED LIQUIDS TO THE PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO, AN ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH
3. ANY COMPONENT, PART, OR ACCESSORY OF A TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY

THESE PROHIBITIONS DO NOT APPLY TO A STUDENT'S POSSESSION OR USE OF HIS/HER OWN PRESCRIPTION PRODUCTS. HOWEVER, STUDENT POSSESSION OR USE OF PRESCRIPTION PRODUCTS IN SCHOOL SHALL BE SUBJECT TO THE DISTRICT'S POLICY AND REGULATION FOR ADDRESSING THE ADMINISTRATION OF MEDICATIONS ON CAMPUS. (EDUCATION CODE 48900)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

~~Students' possession or use of electronic cigarettes, electronic hookahs, and other aerosol-emitting devices, with or without nicotine content, that mimic the use of tobacco products is also prohibited.~~

~~These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in schools shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)~~

**Prevention Instruction**

The District shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 – Comprehensive Health Education)

(cf. 6143 – Courses of Study)

**TOBACCO (cont.)****Intervention/Cessation Services**

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 – Youth Services)  
 (cf. 5141.6 – School Health Services)  
 (cf. 5146 – Married/Pregnant/Parenting Students)  
 (cf. 6164.2 – Guidance/Counseling Services)

**Program Planning**

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 – Citizen Advisory Councils)  
 (cf. 1400 – Relations between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 – Student Wellness)  
 (cf. 5131.6 – Alcohol and Other Drugs)  
 (cf. 5131.63 – Steroids)

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

**TOBACCO (cont.)**

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 – Advertising and Promotion)  
 (cf. 3290 – Gifts, Grants and Bequests)  
 (cf. 6161.1 – Selection and Evaluation of Instructional Materials)

**Program Evaluation**

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 – Accountability)  
 (cf. 5022 – Student and Family Privacy Rights)  
 (cf. 6162.8 – Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

**Legal Reference:****EDUCATION CODE**

8900 Suspension or expulsion (grounds)  
 48900.5 Suspension, limitation on imposition; exception  
 48901 Smoking or use of tobacco prohibited  
 51202 Instruction in personal and public health and safety  
 60041 Instructional materials, portrayal of effects of tobacco use

**BUSINESS AND PROFESSIONS CODE**

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

**HEALTH AND SAFETY CODE**

104350-104495 Tobacco-use prevention education  
 104559 Tobacco use prohibition  
 119405 Unlawful to sell or furnish electronic cigarettes to minors

**PENAL CODE**

308 Minimum age for tobacco possession

**CODE OF REGULATIONS, TITLE 17**

6800 Definition, health assessment  
 6844-6847 Child Health and Disability Prevention program; health assessments

**UNITED STATES CODE, TITLE 20**

7111-7122 Student Support and Academic Enrichment Grants

**CODE OF FEDERAL REGULATIONS, TITLE 21**

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

**ATTORNEY GENERAL OPINIONS**

88 Ops.Cal.Atty.Gen. 8 (2005)

**TOBACCO (cont.)**

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance

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

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEBSITES

California Schools Boards Association: [www.csba.org](http://www.csba.org)

California Department of Education, Tobacco-Use Prevention Education:  
[www.cde.ca.gov/ls/he/at/tupe.asp](http://www.cde.ca.gov/ls/he/at/tupe.asp)

California Department of Public Health, Tobacco Control: [www.cdph.ca.gov/programs/tobacco](http://www.cdph.ca.gov/programs/tobacco)

California Healthy Kids Resource Center: [www.californiahealthykids.org](http://www.californiahealthykids.org)

California Healthy Kids Survey: [www.wested.org/hks](http://www.wested.org/hks)

Centers for Disease Control and Prevention, Smoking and Tobacco Use: [www.cdc.gov/tobacco](http://www.cdc.gov/tobacco)

U.S. Surgeon General: [www.surgeongeneral.gov](http://www.surgeongeneral.gov)

**Chino Valley Unified School District**

Policy adopted: January 23, 1997

Revised: December 15, 2005

Revised: August 20, 2009

Revised: February 18, 2016

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services

**SUBJECT: REVISION OF ADMINISTRATIVE REGULATION 5145.7  
STUDENTS - SEXUAL HARASSMENT**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Administrative Regulation 5145.7 Students – Sexual Harassment is being revised to reflect district practice.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education receive for information the revision of Administrative Regulation 5145.7 Students – Sexual Harassment.

**FISCAL IMPACT**

None.

WMJ:JC:Imc

**SEXUAL HARASSMENT**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances; unwanted requests for sexual favors; or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the students
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any District program or activity

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversations
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors

**SEXUAL HARASSMENT (cont.)**

6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

**Investigation of Complaints of School Employees or Other Adults toward Students**

Complaints of sexual harassment, harassment, discrimination according to Board Policy by school employees toward students shall be investigated according to Administrative Regulation 4031 and referred to the Coordinator of Nondiscrimination and Employment:

GRACE PARK ~~Norm Enfield~~, Ed.D.  
Assistant Superintendent, Human Resources  
5130 Riverside Drive, Chino, CA  
(909) 628-1201 ext. 1110

**Investigation of Complaints of Students towards Other Students**

The Board of Education designates the following position as Coordinator for Nondiscrimination Regarding Student-On-Student Complaints:

Stephanie Johnson  
Director, Student Support Services  
13453 Ramona Avenue, Chino, CA 91710  
(909) 628-1201 ext. 7750



**SEXUAL HARASSMENT (cont.)****Site-Level Grievance Procedure**

Complaints of sexual harassment, harassment or any behavior prohibited by the district's Nondiscrimination/Harassment Policy - 5145.3 and Bullying Policy – 5131.2, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the principal or district coordinator for nondiscrimination. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the principal or district coordinator for nondiscrimination, whether or not the victim files a complaint.
2. **Initiation of Investigation:** The principal or District coordinator for nondiscrimination shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the principal or District coordinator for nondiscrimination receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the principal or district coordinator for nondiscrimination shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the District's ability to investigate.

**SEXUAL HARASSMENT (cont.)**

4. Investigation Process: The principal or District coordinator for nondiscrimination shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The principal or District coordinator for nondiscrimination shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The principal or District coordinator for nondiscrimination may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the principal or District coordinator for nondiscrimination also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and District legal counsel or the District's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The principal or District coordinator for nondiscrimination shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. Optional Mediation: For student-on-student harassment, when the student who complained and the alleged harasser so agree, the principal or District coordinator for nondiscrimination may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

**SEXUAL HARASSMENT (cont.)**

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the principal or District coordinator for nondiscrimination may take into account:
- a. Statements made by the persons identified above
  - b. The details and consistency of each person's account
  - c. Evidence of how the complaining student reacted to the incident
  - d. Evidence of any past instances of harassment by the alleged harasser
  - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the principal or District coordinator for nondiscrimination may take into consideration:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
  - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different students
8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the principal or District coordinator for nondiscrimination shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the principal or District coordinator for nondiscrimination shall notify the parent/guardian of the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also state that corrective actions have been taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student, who was accused, and the Superintendent or designee.

In addition, the principal or District coordinator for nondiscrimination shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The principal or District coordinator for nondiscrimination shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

## **SEXUAL HARASSMENT (cont.)**

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following;

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing information to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Disseminating and/or summarizing the District's policy and regulation regarding sexual harassment

4. Communicating the school's response to parents/guardians and the community which are consistent with the laws regarding the confidentiality of student and personnel records

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)

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

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

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

### **Notifications**

A copy of the District's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

**SEXUAL HARASSMENT (cont.)**

2. Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures, and standards of conduct are posted, including District websites (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or District publication that sets forth the schools or District's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

(cf. 5145.6 - Parental Notifications)

**Chino Valley Unified School District**

Regulation approved: January 23, 1997

Revised: October 7, 1999

Revised: August 15, 2002

Revised: May 7, 2009

Revised: April 18, 2013

Revised: August 15, 2013

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** September 1, 2016

**TO:** Members, Board of Education

**FROM:** Wayne M. Joseph, Superintendent

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Human Resources  
Lea Fellows, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE  
REGULATION 1312.3 COMMUNITY RELATIONS – UNIFORM  
COMPLAINT PROCEDURES**

=====

**BACKGROUND**

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy and Administrative Regulation 1312.3 Community Relations – Uniform Complaint Procedures are being revised to reflect new laws which authorize the use of uniform complaint procedures to resolve complaints of noncompliance with requirements related to accommodations for lactating students (AB 302, 2015), educational rights of foster youth and homeless students (AB 379, 2015), assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed (AB 1012, 2015), and physical education instructional minutes in elementary schools (AB 1391, 2015).

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District's Strategic Plan.

**RECOMMENDATION**

It is recommended the Board of Education receive for information the revision to Board Policy and Administrative Regulation 1312.3 Community Relations – Uniform Complaint Procedures.

**FISCAL IMPACT**

None.

WMJ:GP:LF:RR:mcm

**UNIFORM COMPLAINT PROCEDURES**

The Board of Education recognizes the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The District's Uniform Complaint Procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging District violation of applicable state and federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610).

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5148 - Child Care and Development)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - 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)

2. Any complaint alleging the occurrence of unlawful discrimination, such as discriminatory harassment, OR intimidation, ~~or bullying~~ against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in District programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610).

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 4030 - Nondiscrimination in Employment)  
~~(cf. 4031 - Complaints Concerning Discrimination in Employment)~~  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

**UNIFORM COMPLAINT PROCEDURES (cont.)**

3. Any complaint alleging ~~that the~~ District NONCOMPLIANCE WITH THE REQUIREMENT TO PROVIDE REASONABLE ACCOMMODATION TO A LACTATING STUDENT ON SCHOOL CAMPUS TO ADDRESS BREASTFEEDING-RELATED NEEDS OF THE STUDENT (Education Code 222) ~~violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)~~

~~(cf. 3260 - Fees and Charges)~~

~~(cf. 3320 - Claims and Actions against the District)~~

~~(cf. 5146 - Married/Pregnant/Parenting Students)~~

4. Any complaint alleging ~~that the~~ District NONCOMPLIANCE WITH THE PROHIBITION AGAINST REQUIRING STUDENTS TO PAY FEES, DEPOSITS, OR OTHER CHARGES FOR PARTICIPATION IN EDUCATIONAL ACTIVITIES (5 CCR 4610) ~~has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)~~

~~(cf. 0460 - Local Control and Accountability Plan)~~

~~(cf. 3260 - Fees and Charges)~~

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

5. Any complaint alleging ~~retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy~~ DISTRICT NONCOMPLIANCE WITH LEGAL REQUIREMENTS RELATED TO THE IMPLEMENTATION OF THE LOCAL CONTROL AND ACCOUNTABILITY PLAN (EDUCATION CODE 52075)

~~(cf. 0460 - Local Control and Accountability Plan)~~

6. Any ~~other~~ complaint, ~~as specified in a District policy.~~ BY OR ON BEHALF OF ANY STUDENT WHO IS A FOSTER YOUTH, ALLEGING DISTRICT NONCOMPLIANCE WITH ANY LEGAL REQUIREMENT APPLICABLE TO THE STUDENT REGARDING PLACEMENT DECISIONS, THE RESPONSIBILITIES OF THE DISTRICT'S EDUCATIONAL LIAISON TO THE STUDENT, THE AWARD OF CREDIT FOR COURSEWORK SATISFACTORILY COMPLETED IN ANOTHER SCHOOL OR DISTRICT, SCHOOL TRANSFER, OR THE GRANT OF AN EXEMPTION FROM BOARD-IMPOSED GRADUATION REQUIREMENTS (EDUCATION CODE 48853, 48853.5, 49069.5, 51225.1, 51225.2)

~~(cf. 6173.1 - Education for Foster Youth)~~

7. ANY COMPLAINT, BY OR ON BEHALF OF A HOMELESS STUDENT AS DEFINED IN 42 USC 11434A, ALLEGING DISTRICT NONCOMPLIANCE WITH ANY REQUIREMENT APPLICABLE TO THE STUDENT REGARDING THE AWARD OF CREDIT FOR COURSEWORK SATISFACTORILY COMPLETED IN ANOTHER SCHOOL OR DISTRICT OR THE GRANT OF AN EXEMPTION FROM



**UNIFORM COMPLAINT PROCEDURES (cont.)**

**BOARD-IMPOSED GRADUATION REQUIREMENTS (EDUCATION CODE 51225.1, 51225.2)**

(cf. 6173 - Education for Homeless Children)

8. ANY COMPLAINT ALLEGING DISTRICT NONCOMPLIANCE WITH THE REQUIREMENTS OF EDUCATION CODE 51228.1 AND 51228.2 THAT PROHIBIT THE ASSIGNMENT OF A STUDENT TO A COURSE WITHOUT EDUCATIONAL CONTENT FOR MORE THAN ONE WEEK IN ANY SEMESTER OR TO A COURSE THE STUDENT HAS PREVIOUSLY SATISFACTORILY COMPLETED, WITHOUT MEETING SPECIFIED CONDITIONS (EDUCATION CODE 51228.3)

(cf. 6152 - Class Assignment)

9. ANY COMPLAINT ALLEGING DISTRICT NONCOMPLIANCE WITH THE PHYSICAL EDUCATION INSTRUCTIONAL MINUTES REQUIREMENT FOR STUDENTS IN ELEMENTARY SCHOOL (EDUCATION CODE 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

10. ANY COMPLAINT ALLEGING RETALIATION AGAINST A COMPLAINANT OR OTHER PARTICIPANT IN THE COMPLAINT PROCESS OR ANYONE WHO HAS ACTED TO UNCOVER OR REPORT A VIOLATION SUBJECT TO THIS POLICY

11. ANY OTHER COMPLAINT AS SPECIFIED IN A DISTRICT POLICY

The Board recognizes that Alternative Dispute Resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate, for any complaint alleging retaliation, or unlawful discrimination, such as discriminatory harassment, intimidation, or bullying, the Superintendent or designee shall keep confidential the identity of a complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP related allegation(s) through the District's UCP.

The Superintendent or designee shall provide training to District staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and District policy.

(cf. 3580 - District Records)

### **Non-Uniform Complaint Procedures Complaints**

The following complaints shall not be subject to the District's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
52800-52870 School-based program coordination  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and center  
64000-64001 Consolidated application process

#### **GOVERNMENT CODE**

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

#### **PENAL CODE**

422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege

#### **CODE OF REGULATIONS, TITLE 5**

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1221 Application of laws  
1232g Family Educational Rights and Privacy Act

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Acts of 194  
6101-6107 Age Discrimination Act of 1975  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination of basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

### **Management Resources:**

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

Dear Colleague Letter: Title IX Coordinators, April 2015  
Questions and Answers on Title IX and Sexual Violence, April 2014  
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
Dear Colleague Letter; Sexual Violence, April 2011  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, of Third Parties, January 2001

#### U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

#### WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org)  
California Department of Education: [www.cde.ca.gov](http://www.cde.ca.gov)  
Family Policy Compliance Office: [family.policy.ed.gov](http://family.policy.ed.gov)  
U.S. Department of Education, Office for Civil Rights: [www.ed.gov/about/offices/list/ocr](http://www.ed.gov/about/offices/list/ocr)  
U.S. Department of Justice: [www.justice.gov](http://www.justice.gov)

## **Chino Valley Unified School District**

Policy adopted: October 19, 1995

Revised: September 4, 2003

Revised: December 9, 2004

Revised: September 1, 2005

Revised: October 15, 2009

Revised: August 16, 2012

**UNIFORM COMPLAINT PROCEDURES (cont.)**

Revised: June 13, 2013

Revised: September 5, 2013

Revised: October 2, 2014

Revised: August 13, 2015

Revised: November 5, 2015

REVISED:

**UNIFORM COMPLAINT PROCEDURES**

Except as the Board of Education may otherwise specifically provide in other District policies, the Uniform Complaint Procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
~~(cf. 4031 - Complaints Concerning Discrimination in Employment)~~  
(cf. 4030 - Nondiscrimination in Employment)

**Compliance Officers**

The District designates the individual(s) identified below as the employee(s) responsible for coordinating the District's response to complaints and for complying with state and federal civil rights laws. ~~The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination.~~ The individual(s) shall receive and coordinate the investigation of complaints and shall ensure District compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

Wayne M. Joseph, Superintendent  
(909) 628-1201 ext. 1100

Grace Park Ed.D., Assistant Superintendent of Human Resources  
5130 Riverside Drive, Chino, CA 91710  
~~(Compliance Officer)~~  
(909) 628-1201 ext. 1110  
grace\_park@chino.k12.ca.us

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

At the direction of the compliance officer additional District administrators will assist in investigations within their area of expertise as follows:

- a) Deputy Superintendent or designee;
- b) Assistant Superintendent of Business Services, or designee;
- c) Assistant Superintendent of Educational Services or designee;
- d) Assistant Superintendent of Facilities, Planning and Operations, or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination, ~~such as discriminatory harassment, intimidation, or bullying,~~ applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)  
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the District issues its final written decision, whichever occurs first.

## **Notifications**

The District's UCP policy and administrative regulation shall be posted in all District schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Director of Student Support Services shall annually provide written notification of the District's UCP, uniform complaint procedures including information regarding

**UNIFORM COMPLAINT PROCEDURES (cont.)**

unlawful student fees and local control and accountability plan (LCAP) requirements, AND REQUIREMENTS RELATED TO THE EDUCATIONAL RIGHTS OF FOSTER YOUTH AND HOMELESS STUDENTS, to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties (Education Code 262.3, 48853, 48853.5, 49013, 51225.1, 51225.2, 52705; 5 CCR 4622) through its annual distribution of the parent information handbook.

(cf. 0420 - School Plans/Site Councils)  
 (cf. 0460 - Local Control and Accountability Plan)  
 (cf. 1220 - Citizen Advisory Committees)  
 (cf. 3260 - Fees and Charges)  
 (cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
 (cf. 5145.6 - Parental Notifications)  
 (cf. 6173 - Education for Homeless Children)  
 (cf. 6173.1 - Education for Foster Youth)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the District's policy, regulations, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the District shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), positions(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.



**UNIFORM COMPLAINT PROCEDURES (cont.)**

4. Include statements that:
  - a. The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation OR, unlawful discrimination, ~~such as discriminatory harassment, intimidation, or bullying~~ must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities.
  - e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
  - f. ~~The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 calendar days of receiving the District's decision.~~ A FOSTER YOUTH SHALL RECEIVE INFORMATION ABOUT EDUCATIONAL RIGHTS RELATED TO HIS/HER EDUCATIONAL PLACEMENT, ENROLLMENT IN AND CHECKOUT FROM SCHOOL, AS WELL AS THE RESPONSIBILITIES OF THE DISTRICT LIAISON FOR FOSTER YOUTH TO ENSURE AND FACILITATE THESE REQUIREMENTS AND TO ASSIST THE STUDENT IN ENSURING PROPER TRANSFER OF HIS/HER CREDITS, RECORDS, AND GRADES WHEN HE/SHE TRANSFERS BETWEEN SCHOOLS OR BETWEEN THE DISTRICT AND ANOTHER DISTRICT.
  - g. ~~The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.~~ A FOSTER YOUTH OR HOMELESS STUDENT WHO TRANSFERS INTO A DISTRICT HIGH SCHOOL OR BETWEEN DISTRICT HIGH SCHOOLS SHALL BE NOTIFIED OF THE DISTRICT'S RESPONSIBILITY TO:

**UNIFORM COMPLAINT PROCEDURES (cont.)**

1. ACCEPT ANY COURSEWORK OR PART OF THE COURSEWORK THAT THE STUDENT HAS SATISFACTORILY COMPLETED IN ANOTHER PUBLIC SCHOOL, JUVENILE COURT SCHOOL, OR A NONPUBLIC, NONSECTARIAN SCHOOL OR AGENCY, AND TO ISSUE FULL OR PARTIAL CREDIT FOR THE COURSEWORK COMPLETED
  2. NOT REQUIRE THE STUDENT TO RETAKE ANY COURSE OR A PORTION OF A COURSE WHICH HE/SHE HAS SATISFACTORILY COMPLETED IN ANOTHER PUBLIC SCHOOL, JUVENILE COURT SCHOOL, OR A NONPUBLIC, NONSECTARIAN SCHOOL OR AGENCY
  3. IF THE STUDENT HAS COMPLETED HIS/HER SECOND YEAR OF HIGH SCHOOL BEFORE THE TRANSFER, PROVIDE THE STUDENT INFORMATION ABOUT DISTRICT-ADOPTED COURSEWORK AND BOARD-IMPOSED GRADUATION REQUIREMENTS FROM WHICH HE/SHE MAY BE EXEMPTED PURSUANT TO EDUCATION CODE 51225.1
- h. ~~Copies of the District's UCP are available free of charge.~~ THE COMPLAINANT HAS A RIGHT TO APPEAL THE DISTRICT'S DECISION TO THE CDE BY FILING A WRITTEN APPEAL WITHIN 15 CALENDAR DAYS OF RECEIVING THE DISTRICT'S DECISION.
  - i. THE APPEAL TO THE CDE MUST INCLUDE A COPY OF THE COMPLAINT FILED WITH THE DISTRICT AND A COPY OF THE DISTRICT'S DECISION.
  - j. COPIES OF THE DISTRICT'S UCP ARE AVAILABLE FREE OF CHARGE.

**District Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the District's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints of allegations of retaliation or unlawful discrimination, ~~such as discriminatory harassment,~~

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

~~intimidation, or bullying~~ confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

### **Filing of Complaint**

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

All complaints shall be filed in accordance with the following:

1. A written complaint alleging District violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination ~~such as discriminatory harassment, intimidation, or bullying~~, may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall 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 unlawful discrimination.

The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination ~~such as discriminatory harassment, intimidation, or bullying~~ is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

5. When the complainant or alleged victim of unlawful discrimination ~~such as discriminatory harassment, intimidation, or bullying~~ requests confidentiality, the compliance officer shall inform him/her that the request may limit the District's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the District shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint.  
(5 CCR 4600)

### **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of a sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination ~~such as discriminatory harassment, intimidation, or bullying~~, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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. If mediation is successful and the complaint is withdrawn, then the District shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the District shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

Within (10) business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

**UNIFORM COMPLAINT PROCEDURES (cont.)**

Within three business days of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance office and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful discrimination, ~~such as discriminatory harassment, intimidation, or bullying~~, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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 lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the District to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

**Report of Findings**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

**UNIFORM COMPLAINT PROCEDURES (cont.)****Final Written Decision**

The District's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with District legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.

For complaints of retaliation or unlawful discrimination, ~~such as discriminatory harassment, intimidation, or bullying~~, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s) including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600.

For complaints of unlawful discrimination, ~~such as discriminatory harassment, intimidation, or bullying,~~ the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
  - b. Individual remedies offered or provided to the subject of the complaint
  - b. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the District's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal.

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, ~~such as discriminatory harassment, intimidation, and bullying,~~ the decision shall also include a notice to the complainant that:

## **UNIFORM COMPLAINT PROCEDURES (cont.)**

1. He/she may pursue available civil law remedies outside of the District's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

## **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or District environment may include, but are not limited to, actions to reinforce District policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation, OR unlawful discrimination, ~~or bullying, such as discriminatory harassment, intimidation, or bullying~~, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice



**UNIFORM COMPLAINT PROCEDURES (cont.)**

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination, or ~~bullying, such as discriminatory harassment, intimidation, or bullying~~, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, PHYSICAL EDUCATION INSTRUCTIONAL MINUTES FOR STUDENTS IN ELEMENTARY SCHOOLS, or any requirement related to the LCAP is found to have merit, the District shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the District shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

**Appeals to the California Department of Education**

Any complainant who is dissatisfied with the District's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the District's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

**UNIFORM COMPLAINT PROCEDURES (cont.)**

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

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: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the WRITTEN 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
6. A copy of the District's Uniform Complaint procedures
7. Other relevant information requested by the CDE

**Chino Valley Unified School District**

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