



**CHINO VALLEY**  
UNIFIED SCHOOL DISTRICT

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

# BOARD OF EDUCATION AGENDA

**August 17, 2017**

**BOARD OF EDUCATION**

Sylvia Orozco, President

Pamela Feix, Vice President

James Na, Clerk

Irene Hernandez-Blair, Member

Andrew Cruz, Member

Jonah Botello, Student Representative

—◆◆◆—  
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**

**District Board Room**

**5130 Riverside Drive, Chino, CA 91710**

**4:30 p.m. – Closed Session • 7:00 p.m. – Regular Meeting**

**August 17, 2017**

**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.
- Order of business is approximate and subject to change.

**I. OPENING BUSINESS**

**I.A. CALL TO ORDER – 4:30 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) (15 minutes)
- b. Conference with Legal Counsel: Existing Litigation: Government Code 54954.5 (c) and 54956.9 (d)(1): Oxford Preparatory Academy v. Chino Valley Unified School District, et. al. SBC No. CIVDS1710045. (Chidester, Margaret A. & Associates) (45 minutes)
- c. Conference with Legal Counsel–Anticipated Litigation (Government Code 54956.9 (d)(2) and (e)(1): One possible case. (Atkinson, Andelson, Loya, Ruud & Romo) (30 minutes)
- d. 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. (15 minutes)
- e. Public Employee Discipline/Dismissal/Release (Government Code 54957): (15 minutes)
- f. Public Employee Appointment (Government Code 54957): Junior High Assistant Principal; Coordinator, Child Development. (10 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. EMPLOYEE REPRESENTATIVES' COMMUNICATIONS**

- I.E. COMMUNITY LIAISONS' COMMUNICATIONS
- I.F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA
- I.G. CHANGES AND DELETIONS

**II. ACTION**

**II.A. ADMINISTRATION**

**II.A.1. Superintendent Search Options**  
Page 10 Recommend the Board of Education select a superintendent search option.

**II.A.2. Revision to the Classified Management/Confidential Salary Schedule and Proposed Classified Confidential Salary Schedule Reflecting a One Percent (1%) On-going on Schedule Increase Retroactive Effective July 1, 2014**  
Page 11 Recommend the Board of Education approve the revision to the Classified Management/Confidential salary schedule, and proposed Classified Confidential Salary Schedule reflecting a one percent (1%) on-going on schedule increase retroactive effective to July 1, 2014.

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

**II.B.1. Public Hearing Regarding the Sufficiency of Instructional Materials 2017/2018, and Adoption of Resolution 2017/2018-14 for Cal Aero Preserve Academy K Through 6**  
Page 15 Recommend the Board of Education conduct a public hearing regarding the Sufficiency of Instructional Materials 2017/2018, and adopt Resolution 2017/2018-14 for Cal Aero Preserve Academy K through 6.

**III. CONSENT**

**III.A. ADMINISTRATION**

**III.A.1. Minutes of the Regular Meeting of July 20, 2017**  
Page 19 Recommend the Board of Education approve the minutes of the regular meeting of July 20, 2017.

**III.A.2. Revision of Bylaws of the Board 9012—Board Member Electronic Communications**  
Page 26

Recommend the Board of Education approve the revision of Bylaws of the Board 9012—Board Member Electronic Communications.

**III.B. BUSINESS SERVICES**

**III.B.1. Warrant Register**

Page 30 Recommend the Board of Education approve/ratify the warrant register, provided under separate cover.

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

Page 31 Recommend the Board of Education approve/ratify the fundraising activities.

**III.B.3. Donations**

Page 35 Recommend the Board of Education accept the donations.

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

Page 37 Recommend the Board of Education approve payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; Chidester, Margaret A. & Associates; and Thompson & Colegate LLP.

**III.B.5. Applications to Operate Fundraising Activities and Other Activities for the Benefit of Students**

Page 38 Recommend the Board of Education approve/ratify the applications to operate fundraising activities and other activities for the benefit of students.

**III.B.6. Signature Authorizations for Chino Valley Unified School District**

Page 40 Recommend the Board of Education approve the signature authorizations for Chino Valley Unified School District.

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

**III.C.1. Adoption of English Language Development Curriculum for High Schools**

Page 45 Recommend the Board of Education adopt the English Language Development curriculum for high schools, as follows: Moore, David W., Short, Deborah J., Smith, Michael W., and Tatum, Alfred W. (2014). Edge 2<sup>nd</sup> Edition. Monterey, CA: National Geographic Learning/Cengage Learning.

**III.C.2. Revision of Board Policy 5146 Students—Married/Pregnant/Parenting Students**

Page 46 Recommend the Board of Education approve the revision of Board Policy 5146 Students—Married/Pregnant/Parenting Students.

**III.C.3. Revision of Board Policy 6145 Instruction—Extracurricular and Cocurricular Activities**

Page 52

Recommend the Board of Education approve the revision of Board Policy 6145 Instruction—Extracurricular and Cocurricular Activities.

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

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

Page 57

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

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

Page 58

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

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

Page 62

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

**III.D.4. Resolutions 2017/2018-10, 2017/2018-11, 2017/2018-12, and 2017/2018-13 for Authorization to Utilize Piggyback Contracts**

Page 70

Recommend the Board of Education adopt Resolutions 2017/2018-10, 2017/2018-11, 2017/2018-12, and 2017/2018-13 for authorization to utilize piggyback contracts.

**III.D.5. CUPCCAA Bid No. 17-18-04, Walnut ES Playground Equipment Install**

Page 80

Recommend the Board of Education award CUPCCAA Bid No. 17-18-04, Walnut ES Playground Equipment Install to Single Source Construction.

**III.D.6. CUPCCAA Bid No. 17-18-05, Ayala HS Asphalt Repair**

Page 81

Recommend the Board of Education award CUPCCAA Bid No. 17-18-05, Ayala HS Asphalt Repair to Premier Paving, Inc.

**III.D.7. CUPCCAA Bid No. 17-18-06, Cattle ES Asphalt Repair**

Page 82

Recommend the Board of Education award CUPCCAA Bid No. 17-18-06, Cattle ES Asphalt Repair to Premier Paving, Inc.

**III.D.8. Notice of Completion for CUPCCAA Projects**

Page 83

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

**III.D.9. License Agreement with Southgate Engineering Inc., for Access to and Temporary Storage of Completed Custom Fabricated Pressure Vessels in the Yorba Avenue Materials Yard**

Page 85

Recommend the Board of Education approve the License Agreement with Southgate Engineering, Inc. for Access to and Temporary Storage of Completed, Custom Fabricated Pressure Vessels in the Yorba Avenue Materials Yard.

**III.D.10. Resolution 2017/2018-09, Authorization for Eligibility Determination, Funding Authorization to Sign Applications and Associated Documents**

Page 92

Recommend the Board of Education adopt Resolution 2017/2018-09, Authorization for Eligibility Determination, Funding Authorization to Sign Applications and Associated Documents.

**III.D.11. Resolution 2017/2018-15, Adopting Notice of Exemption for Yorba Avenue Materials Storage Yard License Agreement**

Page 94

Recommend the Board of Education adopt Resolution 2017/2018-15, Adopting Notice of Exemption for Yorba Avenue Materials Storage Yard License Agreement.

**III.E. HUMAN RESOURCES**

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

Page 96

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

**III.E.2. Revision of the Job Description for Behavior Intervention Specialist**

Page 104

Recommend the Board of Education approve the revision of the job description for Behavior Intervention Specialist.

**III.E.3. Revision of Board Policy 1312.3 Community Relations—Uniform Complaint Procedures**

Page 108

Recommend the Board of Education approve the revision of Board Policy 1312.3 Community Relations—Uniform Complaint Procedures.

**III.E.4. Internship Agreement with California State University, Los Angeles**

Page 115

Recommend the Board of Education approve the internship agreement with California State University, Los Angeles.

**III.E.5. Internship Agreement with Loyola Marymount University**

Page 118

Recommend the Board of Education approve the internship agreement with Loyola Marymount University.

**III.E.6. Memorandum of Understanding for Tuition Discount with California Baptist University**  
Page 124

Recommend the Board of Education approve the memorandum of understanding for tuition discount with California Baptist University.

<b>IV. INFORMATION</b>
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**IV.A. BUSINESS SERVICES**

**IV.A.1. Revision of Board Policy and Administrative Regulation 3551 Business and Noninstructional Operations—Nutrition Services Operations/Cafeteria Fund**  
Page 128

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 3551 Business and Noninstructional Operations—Nutrition Services Operations/Cafeteria Fund.

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

**IV.B.1. Revision of Board Policy 0460 Philosophy, Goals, Objectives, and Comprehensive Plans—Local Control and Accountability Plan**  
Page 138

Recommend the Board of Education receive for information the revision of Board Policy 0460 Philosophy, Goals, Objectives, and Comprehensive Plans—Local Control and Accountability Plan.

**IV.B.2. Revision of Board Policy and Administrative Regulation 5141.52 Students—Suicide Prevention**  
Page 145

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 5141.52 Students—Suicide Prevention.

**IV.B.3. Revision of Board Policy 6142.93 Instruction—Science Instruction**  
Page 156

Recommend the Board of Education receive for information the revision of Board Policy 6142.93 Instruction—Science Instruction.

**IV.B.4. Revision of Board Policy and Administrative Regulation 6145.2 Instruction—Athletic Competition**  
Page 159

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 6145.2 Instruction—Athletic Competition.

**IV.B.5. Revision of Board Policy and Administrative Regulation 6174 Instruction—Education for English Learners**

Page 172

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 6174 Instruction—Education for English Learners.

**IV.B.6. Revision of Board Policy and Administrative Regulation 6178.1 Instruction—Work-Based Learning**

Page 189

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 6178.1 Instruction—Work-Based Learning.

**IV.B.7. San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Fourth Quarterly Report 2016/2017**

Page 198

Recommend the Board of Education receive for information the San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Fourth Quarterly Report 2016/2017.

**IV.C. FACILITIES, PLANNING, AND OPERATIONS**

**IV.C.1. Revision of Board Policy 7214 Facilities—General Obligation Bonds**

Page 202

Recommend the Board of Education receive for information the revision of Board Policy 7214 Facilities—General Obligation Bonds.

**IV.C.2. Revision of Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations—Bids**

Page 211

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations—Bids.

**IV.C.3. Revision of Board Policy and Administrative Regulation 3311.1 Business and Noninstructional Operations—Pre-Qualification of Bidders**

Page 228

Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 3311.1 Business and Noninstructional Operations—Prequalification of Bidders.

**IV.C.4. Revision of Administrative Regulation 3311.2 Business and Noninstructional Operations—Change Order Procedure**

Page 235

Recommend the Board of Education receive for information the revision of Administrative Regulation 3311.2 Business and Noninstructional Operations—Change Order Procedure.



**IV.C.5. Revision of Administrative Regulation 3311.3 Business and Noninstructional Operations—Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act**  
Page 242

Recommend the Board of Education receive for information the revision of Administrative Regulation 3311.3 Business and Noninstructional Operations—Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act.

**V. COMMUNICATIONS**

**BOARD MEMBERS AND SUPERINTENDENT**

**VI. ADJOURNMENT**

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education  
Date posted: August 11, 2017



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

Student Achievement • Safe Schools • Positive School Climate

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**SUBJECT: SUPERINTENDENT SEARCH OPTIONS**

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**BACKGROUND**

At the Board’s June 15 meeting, Superintendent Joseph announced his retirement from the District in 2018. Pursuant to Board Policy 2120, the Board of Education has a direct responsibility to select and employ the superintendent. Whenever it becomes necessary for the Board to fill a vacancy for the position of superintendent, the Board shall work diligently to employ a person whose management and leadership abilities are most closely aligned with District needs.

As such, the Board has a number of options for handling a search, which can include:

- a) The California School Boards Association,
- b) San Bernardino County Superintendent of Schools,
- c) Private search firms,
- d) The Board of Education conducts its own search, or
- e) Conduct internal interviews for appointment.

**RECOMMENDATION**

It is recommended the Board of Education select a superintendent search option.

**FISCAL IMPACT**

To be determined.

WMJ:pk

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**SUBJECT: REVISION TO THE CLASSIFIED MANAGEMENT/CONFIDENTIAL SALARY SCHEDULE AND PROPOSED CLASSIFIED CONFIDENTIAL SALARY SCHEDULE REFLECTING A ONE PERCENT (1%) ON-GOING ON SCHEDULE INCREASE RETROACTIVE EFFECTIVE JULY 1, 2014**

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**BACKGROUND**

On October 16, 2014, the Board of Education approved the restructure of the Certificated Management and Classified Management/Confidential Salary Schedules. The restructure realigned the District's pay structure for certificated and classified management. However, in doing so, classified confidential employees were grouped with supervisory/management personnel. Classified confidential employees are neither supervisory nor management personnel.

Accordingly, a new salary schedule is proposed to exclusively reflect positions identified as classified confidential and to reflect the additional one percent (1%) on-going on schedule increase also approved at the October 16, 2014 Board meeting.

Employees who were in a paid status and occupying a classified confidential position between July 1, 2014, to present, will receive a one percent (1%) on-going on schedule increase retroactive to July 1, 2014, or applicable timeframe as the case may be.

Positions deleted from the Certificated Management and Classified Management Salary Schedule are ~~lined through~~. The proposed classified confidential salary schedule reflects the 1% on-going on schedule salary increase.

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 to the Classified Management/Confidential salary schedule, and proposed Classified Confidential Salary Schedule reflecting a one percent (1%) on-going on schedule increase retroactive effective to July 1, 2014.

**FISCAL IMPACT**

Estimated one-time fiscal impact of \$24,000.00 for retroactive pay to July 1, 2014, and an annual fiscal impact of \$6,000.00.

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**Classified Management/Confidential Salary Schedule**  
**2016/17**

Includes 3.5% Increase Board Approved 9/1/16

RANGE	POSITION	DAYS	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
15	Director Business Services Maintenance, Operations, and Construction Risk Management and Human Resources Planning	261		124,935	129,932	134,051	138,212
16	Director, Nutrition Services Director, Transportation	261	107,682	111,341	115,022	118,676	123,539
23A	Director, Communications	261	107,682	111,341	115,022	118,676	123,539
26B	Coordinator, Information Services/CSIS Coordinator, Innovation and Creative Services	261	88,182	90,824	93,551	96,354	99,245
27	Accounting Manager	261	88,182	90,824	93,551	96,354	99,245
28	Occupational Therapist	221	83,382	86,231	89,072	91,905	94,750
29	Behavioral Health Clinical Program Supervisor	248	85,268	88,182	91,088	93,983	96,894
29A	Behavior Intervention Specialist	220	75,641	78,225	80,803	83,372	85,953
29B	Behavior Intervention Program Supervisor	255	87,675	90,671	93,658	96,637	99,628
31	Assistant Director, Nutrition Services	261	81,312	84,078	86,847	89,635	92,402
31A	Construction Coordinator Facilities Planner Sustainability Coordinator	261	81,312	84,078	86,847	89,635	92,402
31B	Child Development Coordinator	261	81,312	84,078	86,847	89,635	92,402
36	Driver Supervisor Maintenance and Operations Supervisor Payroll Supervisor	261	70,636	73,032	75,447	77,850	80,270
<del>37</del>	<del>Secretary to Superintendent*</del> <del>Admin. Secretary, Board of Education*</del>	<del>261</del>	<del>79,494</del>	<del>82,268</del>	<del>85,061</del>	<del>87,692</del>	<del>90,399</del>
38	Duplicating Manager	261	65,797	68,028	70,266	72,540	74,777
38A	Behavior Intervention Counselor	220	58,368	60,348	62,333	64,350	66,334
38B	Behavioral Health Counselor	248	65,797	68,028	70,266	72,541	74,777
<del>39</del>	<del>Administrative Secretary III*</del>	<del>261</del>	<del>74,725</del>	<del>76,965</del>	<del>79,275</del>	<del>81,653</del>	<del>84,102</del>
40	After School Grant Funded Manager	230	58,861	60,864	62,887	64,891	66,893
41	Personnel Technician* Finance Technician* Operations Manager, Nutrition Services	261	68,539	70,909	73,321	75,597	77,929
<del>42</del>	<del>Administrative Secretary II-A*</del>	<del>261</del>	<del>65,305</del>	<del>67,566</del>	<del>69,888</del>	<del>72,056</del>	<del>74,254</del>
<del>43</del>	<del>Administrative Secretary II-B*</del>	<del>261</del>	<del>62,028</del>	<del>64,190</del>	<del>66,359</del>	<del>68,431</del>	<del>70,535</del>
<del>45</del>	<del>Administrative Secretary I*</del> Effective 7/1/16	<del>261</del>	<del>56,146</del>	<del>58,097</del>	<del>60,052</del>	<del>61,920</del>	<del>63,823</del>

\*Indicates Classified Confidential  
Board Approved 9/1/16

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**Classified Management/Confidential Salary Schedule**  
 2016/17

Includes 3.5% Increase Board Approved 9/1/16

RANGE	POSITION	DAYS	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
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Longevity Classified Confidential	
10 Years of Service	3%
15 Years of Service	5%
20 Years of Service	7%
25 Years of Service	9%
30 Years of Service	11%

Longevity Classified Management	
15 Years of Service	\$1,541
20 Years of Service	\$3,082
25 Years of Service	\$4,625
30 Years of Service	\$6,168

Effective 7/1/16

\*Indicates Classified Confidential  
 Board Approved 9/1/16

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**Classified Confidential Salary Schedule**  
**2016/17**  
**Includes 3.5% Increase Board Approved 9/1/16**

<b>RANGE</b>	<b>POSITION</b>	<b>DAYS</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>
37	Secretary to Superintendent Admin. Secretary, Board of Education	261	80,289 79,494	83,091 82,268	85,912 85,064	88,569 87,692	91,303 90,399
39	Administrative Secretary III	261	75,472 74,725	77,734 76,965	80,068 79,275	82,470 81,653	84,943 84,102
41	Personnel Technician	261	69,224 68,539	71,618 70,909	74,055 73,324	76,353 75,597	78,709 77,929
42	Administrative Secretary II-A	261	65,958 65,305	68,242 67,566	70,587 69,888	72,776 72,056	74,997 74,254
43	Administrative Secretary II-B	261	62,648 62,028	64,832 64,190	67,023 66,359	69,115 68,434	71,241 70,535
45	Administrative Secretary I	261	56,707 56,146	58,678 58,097	60,652 60,052	62,539 61,920	64,462 63,823

**Longevity Classified Confidential**

10 Years of Service	3%
15 Years of Service	5%
20 Years of Service	7%
25 Years of Service	9%
30 Years of Service	11%

Reflects 1% increase from 2014/2015. Increase originally Board approved 10/16/2014

Effective 7/1/16

BOARD APPROVED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Dan Sosa, Director, Elementary Curriculum  
Troy Ingram, Coordinator, Innovation and Creative Services

**SUBJECT: PUBLIC HEARING REGARDING THE SUFFICIENCY OF INSTRUCTIONAL MATERIALS 2017/2018, AND ADOPTION OF RESOLUTION 2017/2018-14 FOR CAL AERO PRESERVE ACADEMY K THROUGH 6**

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**BACKGROUND**

Education Code 60119 states the governing board of a school district shall hold a public hearing at which the board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders.

Cal Aero Preserve Academy K through 6 operates as a year-round campus and for the 2017/2018 school year they opened their doors to begin instruction on July 6, 2017. A separate public hearing for sufficiency of instructional materials is being held for this school site in order to be compliant with Education Code 60119.

At this hearing a determination shall be made, through a resolution, as to whether each pupil has sufficient textbooks or instructional materials, or both, to use in class and to take home. These textbooks or instructional materials shall be aligned to the content standards pursuant to Education Code 60605 or 60605.8 in each of the following subjects, that are consistent with the content and cycles of the curriculum framework adopted by the state board in mathematics, science, history-social science, English language arts, including the English language development component of an adopted program, foreign language and health.

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



**RECOMMENDATION**

It is recommended the Board of Education conduct a public hearing regarding the Sufficiency of Instructional Materials 2017/2018, and adopt Resolution 2017/2018-14 for Cal Aero Preserve Academy K through 6.

**FISCAL IMPACT**

None.

WMJ:GP:DS:TI:rtt

**Chino Valley Unified School District  
Resolution 2017/2018-14  
Sufficiency of Instructional Materials**

**WHEREAS**, the Board of Education of the Chino Valley Unified School District, in order to comply with the requirements of Education Code 60119, held a public hearing on August 17 2017, at 7:00 pm, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours;

**WHEREAS**, the Board provided at least 10 days' notice of the public hearing by posting it in at least three public places within the district stating the time, place, and purpose of the hearing;

**WHEREAS**, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing;

**WHEREAS**, information provided at the public hearing detailed the extent to which sufficient textbooks or instructional materials were provided to all students, including English learner, in the Chino Valley Unified School District;

**WHEREAS**, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage;

**WHEREAS**, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the Chino Valley Unified School District, have standards-aligned textbooks or instructional materials from the same adoption cycle;

**WHEREAS**, textbooks or instructional materials were provided to each student, including each English learner, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

**English/Language Arts/English Language Development**

K-6 McGraw-Hill School Education; CA Reading Wonders ELA/ELD, 2017

**Mathematics**

K-5 Pearson Scott Foresman; enVision Math, 2015

6-8 Houghton Mifflin & Harcourt, Big Ideas Math, Course 1, Course 2, and Course 3, 2015

**History/Social Science**

K-5 Harcourt School Publishers; Reflections: California Series, 2007

6-8 Holt, Rinehart and Winston; Holt California Social Studies, 2006

**Science**

K-5 Houghton Mifflin Company; Houghton Mifflin California Science, 2007

6 Pearson Scott Foresman; Scott Foresman California Science, 2008

**NOW, THEREFORE, BE IT RESOLVED** that for the 2017/2018 school year, the Chino Valley Unified School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in all courses required by Education Code 60119.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17<sup>th</sup> day of August 2017.

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Wayne M. Joseph, Superintendent  
Secretary, Board of Education



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**July 20, 2017**

**MINUTES**

<b>I. OPENING BUSINESS</b>
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**I.A. CALL TO ORDER – 4:40 P.M.**

1. Roll Call

President Orozco called to order the regular meeting of the Board of Education, Thursday, July 20, 2017, at 4:40 p.m. with Blair, Feix, and Orozco present. Mr. Cruz and Mr. Na arrived at 4:49 p.m.

Administrative Personnel

Wayne M. Joseph, Superintendent

Norm Enfield, Ed.D., Deputy Superintendent

Sandra H. Chen, Assistant Superintendent, Business Services

Lea Fellows, Assistant Superintendent, Human Resources

Grace Park, Ed.D., Assistant Superintendent, CIIS (absent)

Gregory J. Stachura, Asst. Supt., Facilities, Planning, & Op. (absent)

2. Public Comment on Closed Session Items

Sandra Garner, Miguel Sanchez, Patty Plascencia, and Claudia Sanchez addressed the Board regarding existing litigation (Oxford Preparatory Academy v. Chino Valley Unified School District).

3. Closed Session

President Orozco adjourned to closed session at 4:48 p.m. regarding conference with legal counsel existing and anticipated litigation; a student readmission; public employee discipline/dismissal/release; and public employee appointment: Coordinator, Child Welfare and Attendance. Mr. Cruz left the meeting following closed session.

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

1. Report Closed Session Action

President Orozco reconvened the regular meeting of the Board of Education at 7:00 p.m. The Board met in closed session from 4:48 p.m. to 6:36 p.m. regarding conference with legal counsel existing and anticipated litigation; a student readmission; public employee discipline/dismissal/release; and public employee appointment: Coordinator, Child

Welfare and Attendance. The Board voted to appoint Shavon Roberts as Coordinator, Child Welfare and Attendance effective July 24, 2017, by a unanimous vote of 5-0 with Blair, Cruz, Feix, Na, and Orozco voting yes. Additionally, regarding existing litigation (Oxford Preparatory Academy v. Chino Valley Unified School District), moved (Feix) seconded (Blair) motion carried (4-1) to direct counsel to continue to defend the appeal with Blair, Feix, Na, and Orozco voting yes and Cruz voting no; and moved (Na) seconded (Feix) to direct District counsel to contact Oxford counsel to explore the possibility of a timely resolution to the litigation by a unanimous vote of 5-0 with Blair, Cruz, Feix, Na, and Orozco voting yes.

2. Pledge of Allegiance

Shavon Roberts led the Pledge of Allegiance.

**I.C. PRESENTATIONS**

1. Knights of Columbus Donation to HOPE Program

Knights of Columbus, St. Margaret Mary Catholic Church in Chino, presented a \$500.00 check to benefit the HOPE program.

2. 2017/2018 Community Impact Grant from Inland Empire United Way to CVUSD's EXCEL Program

Inland Empire United Way presented a \$20,000.00 check to benefit the EXCEL Program.

**I.D. EMPLOYEE REPRESENTATIVES' COMMUNICATIONS**

Denise Arroyo, CSEA President, spoke about the HOPE program and shared that Mr. Joseph would be volunteering there when he retires.

Brenda Walker, A.C.T. Special Services Director, said that the Association requests to continue dialogue regarding proposed changes to Board Policy 1160 and Board Policy and Administrative Regulation 4119.25, 4219.25, and 4319.25.

**I.E. COMMUNITY LIAISONS' COMMUNICATIONS**

Suzette Dang, Field Representative from Supervisor Curt Hagman's office, announced a partnership with the Chino PD and AAA for the Dare to Prepare, a driving workshop for pre-permit teens, scheduled for August 9.

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

Annette Galstian addressed the Board regarding District property.

**I.G. CHANGES AND DELETIONS**

The following changes/deletions were read into the record: Item II.B.2., Fundraising Activities was yellow-sheeted; and Item II.E.1., Certificated/Classified Personnel Items, under Hired at Appropriate Placement on the Certificated Salary Schedule and Appropriate Credential for the 2017/2018 School Year, deleted the name Krista Suchanek.

<p><b>II. CONSENT</b></p>
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Moved (Na) seconded (Blair) carried unanimously (4-0, Cruz absent) to approve the consent items, as amended.

**II.A. ADMINISTRATION**

**II.A.1. Minutes of the Regular Meeting of June 29, 2017**  
Approved the minutes of the regular meeting of June 29, 2017.

**II.B. BUSINESS SERVICES**

**II.B.1. Warrant Register**  
Approved/ratified the warrant register.

**II.B.2. Fundraising Activities**  
Approved/ratified the fundraising activities, as amended.

**II.B.3. Donations**  
Accepted the donations.

**II.B.4. Legal Services**  
Approved payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud and Romo; Chidester, Margaret A. & Associates; and McCune & Harber, LLP.

**II.B.5. Applications to Operate Fundraising Activities and Other Activities for the Benefit of Students**  
Approved/ratified the applications to operate fundraising activities and other activities for the benefit of students.

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

**II.C.1. Student Readmission Case 16/17-15**  
Approved the student readmission case 16/17-15.

**II.C.2. School-Sponsored Trips**

Approved/ratified the following school-sponsored trips for: Dickson ES; Oak Ridge ES; Rolling Ridge ES; Briggs K-8; Ayala HS; and Chino HS.

**II.C.3. Boys Republic HS, Chino Valley Learning Academy, and Chino Valley Adult School Student Attendance Calendars for the 2018/2019 and 2019/2020 School Years**

Approved the Boys Republic HS, Chino Valley Learning Academy, and Chino Valley Adult School Student Attendance Calendars for the 2018/2019 and 2019/2020 school years.

**II.C.4. Course Modification to Spanish 3 Honors**

Approved the course modification to Spanish 3 Honors.

**II.C.5. Application for Funding Consolidated Application for the 2017/2018 School Year**

Approved the Application for Funding Consolidated Application for the 2017/2018 school year.

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

**II.D.1. Purchase Order Register**

Approved/ratified the purchase order register.

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

Approved/ratified the Agreements for Contractor/Consultant Services.

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

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

**II.D.4. Notice of Completion for CUPCAA Projects**

Approved the Notice of Completion for CUPCAA Projects.

**II.D.5. Resolutions 2017/2018-01, 2017/2018-02, 2017/2018-03, 2017/2018-04, 2017/2018-05, 2017/2018-06, 2017/2018-07, and 2017/2018-08 for Authorization to Utilize Piggyback Contracts**

Adopted Resolutions 2017/2018-01, 2017/2018-02, 2017/2018-03, 2017/2018-04, 2017/2018-05, 2017/2018-06, 2017/2018-07, and 2017/2018-08 for authorization to utilize piggyback contracts.



**II.D.6. License Agreement Between Chino Valley Unified School District and Spectrum Center, Inc. for the Use of Real Property for the 2017/2018 School Year**

Approved the license agreement between Chino Valley Unified School District and Spectrum Center, Inc. for the use of real property for the 2017/2018 school year.

**II.E. HUMAN RESOURCES**

**II.E.1. Certificated/Classified Personnel Items**

Approved/ratified the certificated/classified personnel items, as amended.

**II.E.2. Revision of Board Policy 4216 Classified Personnel—Probationary/Permanent Status**

Approved the revision of Board Policy 4216 Classified Personnel—Probationary/Permanent Status.

**II.E.3. Revision of the Job Description for Director of Planning**

Approved the revision of the job description for Director of Planning.

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

**III.A.1. Revision of Bylaws of the Board 9012—Board Member Electronic Communications**

Received for information the revision of Bylaws of the Board 9012—Board Member Electronic Communications.

**III.A.2. Superintendent Search Options**

Received for information the superintendent search options.

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

**III.B.1. 2016/2017 Second Semester Student Expulsion Report**

Received for information the 2016/2017 Second Semester Student Expulsion Report.

**III.B.2. Adoption of English Language Development Curriculum for High Schools**

Received for information the adoption of English Language Development curriculum for high schools, as follows: Moore, David W., Short, Deborah J., Smith, Michael W., and Tatum, Alfred W. (2014). EDGE. 2<sup>nd</sup>. Monterey, CA: National Geographic Learning/ Cengage Learning, as amended.

**III.B.3. Revision of Board Policy 5146 Students—Married/Pregnant/Parenting Students**

Received for information the revision of Board Policy 5146 Students—Married/Pregnant/Parenting Students.

**III.B.4. Revision of Board Policy 6145 Instruction—Extracurricular and Cocurricular Activities**

Received for information the revision of Board Policy 6145 Instruction—Extracurricular and Cocurricular Activities.

**III.B.5. Revision of Board Policy and Administrative Regulation 6145.2 Instruction—Athletic Competition**

This item was pulled from the agenda.

**III.C. HUMAN RESOURCES****III.C.1. Revision of Board Policy 1160 Community Relations—Political Procedures**

Received for information the revision of Board Policy 1160 Community Relations—Political Processes.

**III.C.2. Revision of Board Policy and Administrative Regulation 1312.3 Community Relations—Uniform Complaint Procedures**

Received for information the revision of Board Policy and Administrative Regulation 1312.3 Community Relations—Uniform Complaint Procedures.

**III.C.3. Revision of Board Policy and Administrative Regulation 4119.25, 4219.25, and 4319.25 All Personnel—Political Activities of Employees**

Received for information the revision of Board Policy and Administrative Regulation 4119.25, 4219.25 and 4319.25 All Personnel—Political Activities of Employees.

**IV. COMMUNICATIONS**

**BOARD MEMBERS AND SUPERINTENDENT**

Andrew Cruz was absent.

Irene Hernandez-Blair congratulated the “No on Measure H” committee; spoke about the approval of the Cal Aero Preserve Academy student attendance calendars and encouraged the community to become informed and involved; and announced that Don Lugo HS resource officer Dustin Kato will be recognized in Washington DC for spearheading the Safe and Sober Prom Program.

James Na spoke about summer school campuses and thanked staff for educating our students; spoke about the community service groups; reminded us that there are students who do not have homes to go to at night.

Pamela Feix made no comment.

Superintendent Joseph said Mr. Cruz left the meeting early because he wasn't feeling well.

President Orozco announced retirees on the agenda as well as from the June 29 agenda; said Board study sessions are being coordinated; and said that the Board received for information options for a superintendent's search and that the next meeting agenda will include an action item for discussion and possible action.

**V. ADJOURNMENT**

President Orozco adjourned the regular meeting of the Board of Education at 7:33 p.m.

\_\_\_\_\_  
Sylvia Orozco, President

\_\_\_\_\_  
James Na, Clerk

Recorded 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:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**SUBJECT: REVISION OF BYLAWS OF THE BOARD 9012—BOARD MEMBER ELECTRONIC COMMUNICATIONS**

=====

**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. Bylaws of the Board 9012—Board Member Electronic Communications is being revised to reflect new court decision that held using a personal account or device to send or receive communications regarding public business does not categorically exclude those records from disclosure in response to a request under the California Public Records Act and that public agencies are obliged to disclose applicable records that they can locate with reasonable effort. This item was presented to the Board on July 20, 2017, 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 Bylaws of the Board 9012—Board Member Electronic Communications.

**FISCAL IMPACT**

None.

WMJ:pk

**BOARD MEMBER ELECTRONIC COMMUNICATIONS**

The Board of Education recognizes that electronic communication ~~IS AN EFFICIENT AND CONVENIENT WAY FOR BOARD among board members and between Board members, District administration, and members of the public is an efficient and convenient way~~ to communicate and expedite the exchange of information within THE DISTRICT AND WITH MEMBERS OF THE PUBLIC ~~and to help keep the community informed about the goals, programs, and achievements of the District and its schools.~~ Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting NOR TO CIRCUMVENT THE PUBLIC'S RIGHT TO ACCESS RECORDS REGARDING DISTRICT BUSINESS.

(cf. 1100 - Communication with the Public)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Examples of permissible electronic communications concerning District business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

IN ADDITION, BOARD MEMBERS MAY USE ELECTRONIC COMMUNICATIONS TO DISCUSS MATTERS THAT DO NOT PERTAIN TO DISTRICT BUSINESS, REGARDLESS OF THE NUMBER OF BOARD MEMBERS PARTICIPATING IN THE DISCUSSION.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate District process. As appropriate, communication received from the MEDIA press shall be forwarded to the designated District spokesperson.

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (cont.)**

- (cf. 1112 - Media Relations)
- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3320 - Claims and Actions against the District)
- (cf. 9005 - Governance Standards)
- (cf. 9121 - Board President)
- (cf. 9200 - Limits of Board Member Authority)

TO THE EXTENT POSSIBLE, ELECTRONIC COMMUNICATIONS REGARDING ANY DISTRICT-RELATED BUSINESS SHALL BE TRANSMITTED THROUGH A DISTRICT-PROVIDED DEVICE OR ACCOUNT. WHEN ANY SUCH COMMUNICATION IS TRANSMITTED THROUGH A BOARD MEMBER'S PERSONAL DEVICE OR ACCOUNT, HE/SHE SHALL COPY THE COMMUNICATION TO A DISTRICT ELECTRONIC STORAGE DEVICE FOR EASY RETRIEVAL.

- (cf. 1340 - Access to District Records)
- (cf. 3580 - District Records)

~~In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.~~

- ~~(cf. 4112.6/4212.6/4312.6 - Personnel Files) (cf. 5125 - Student Records)~~
- ~~(cf. 9011 - Disclosure of Confidential/Privileged Information)~~
- ~~(cf. 9321 - Closed Session Purposes and Agendas)~~

~~Board members may use electronic communications to discuss matters other than District business with each other, regardless of the number of members participating in the discussion.~~

~~Like other writings concerning District business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.~~

- ~~(cf. 1340 - Access to District Records)~~

**Legal Reference:**

EDUCATION CODE

- 35140 Time and place of meetings
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

- 6250-6270 California Public Records Act
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
  - 54952.2 Meeting, defined

**BOARD MEMBER ELECTRONIC COMMUNICATIONS (cont.)**

54953 Meetings to be open and public; attendance  
54954.2 Agenda posting requirements, board actions

COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

**Management Resources:**

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEBSITES

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

Agenda Online: [www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx](http://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx)

California Attorney General's Office: [oag.ca.gov](http://oag.ca.gov)

**Chino Valley Unified School District**

Bylaw adopted: May 7, 2009

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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**

\$4,027,818.89 to all District funding sources.

WMJ:SHC:LP:wc



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**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**  
**August 17, 2017**

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<b><u>Country Springs ES</u></b>		
PFA	Yearbook Sale	8/18/17 - 5/31/18
<b><u>Dickson ES</u></b>		
PTA	Welcome Back Dance	8/18/17
ASB	Recycling Program	9/1/17 - 5/18/18
<b><u>Eagle Canyon ES</u></b>		
PTA	Membership Drive	8/18/17 - 9/15/17
PTA	After School Snack Sale	8/18/17 - 5/1/18
PTA	Off Campus Candy Sale	8/23/17 - 9/15/17
PTA	Book Fair	10/2/17 - 10/6/17
PTA	Fall Family Festival	10/20/17
<b><u>Hidden Trails ES</u></b>		
PTA	Yogurtland Family Night Out	9/13/17
<b><u>Liberty ES</u></b>		
PFA	Back-To-School Night Refreshment Sale	8/15/17
PFA	PFA Membership Drive	8/18/17 - 9/8/17
PFA	Evening Events Cupcake Sale	8/18/17 - 5/31/18
PFA	Restaurant Family Dinner Nights Out	8/18/17 - 5/31/18
PFA	Tuesdays After School Juice-It-Up Sale	8/22/17 - 5/31/18
PFA	Tuesdays After School Shaved Ice Sale	8/22/17 - 5/31/18
PFA	Family Movie Nights	8/25/17 - 5/31/18
PFA	Color Run Pledge Drive	9/18/17 - 9/29/17
PFA	Fall Grams Sale	10/16/17 - 10/20/17
PFA	Fall Festival/Trunk or Treat Event	10/27/17
PFA	Chick-fil-A Family Night Out	11/9/17
PFA	Book Fair	11/13/17 - 11/17/17
PFA	Holiday Boutique	12/11/17 - 12/15/17
PFA	Tween Night Refreshment Sale	1/26/18
PFA	Valentine Gram Sale	2/5/18 - 2/9/18
PFA	Father/Daughter Dance	2/23/18
PFA	Parent Game Night Refreshment Sale	4/21/18
PFA	Mother/Daughter Tea	5/11/18

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**August 17, 2017**

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<b><u>Wickman ES</u></b>		
PTO	Membership Drive	8/18/17 - 5/31/18
PTO	Spirit Wear Sale	8/18/17 - 5/31/18
PTO	Scrip Gift Card Sale	8/18/17 - 5/31/18
PTO	Box Tops for Education	8/18/17 - 6/1/18
PTO	Book Fair/Art Fair	10/2/17 - 10/6/17
PTO	Pumpkin Sale	10/16/17 - 10/31/17
PTO	Walk-A-Thon	10/18/17
PTO	Harkins Loyalty Program	11/1/17 - 12/31/17
PTO	Yearbook Sale	11/1/17 - 5/31/18
PTO	Family Fun Night/Mother Son Event	11/3/17
PTO	Thanksgiving Gram Sale	11/13/17 - 11/17/17
PTO	Holiday Boutique	11/27/17 - 12/1/17
PTO	Picture Person	11/27/17 - 12/1/17
PTO	Pennies for Patients	1/8/18 - 2/2/18
PTO	Movie Night	1/12/18
PTO	Harkins Summer Movie Fun Ticket Sale	2/1/18 - 3/30/18
PTO	Carnation/Gram Sale	2/5/18 - 2/9/18
PTO	Valentine Gram Sale	2/5/18 - 2/14/18
PTO	Father/Daughter Dance	2/23/18
PTO	Read-A-Thon	2/26/18 - 3/15/18
PTO	Movie Night	3/9/18
PTO	Movie Night	4/27/18
PTO	Popcorn Sale	5/7/18 - 5/22/18
PTO	Book Fair/Art Fair	5/14/18 - 5/18/18
<b><u>Briggs K-8</u></b>		
PFA	Memory/Yearbook Sale	8/18/17 - 5/30/18
PFA	Agenda Sale	8/18/17 - 9/15/17
PFA	Membership Drive	8/18/17 - 6/1/18
PFA	Spirit Wear Sale	8/18/17 - 6/1/18
PFA	Box Tops for Education	8/18/17 - 6/1/18
PFA	Fall Book Fair	9/18/17 - 9/20/17
PFA	Family Fun Night	10/27/17
<b><u>Townsend JHS</u></b>		
ASB	P.E. Clothing Sale	8/18/17 - 6/1/18
PTSA	After School Snack Shack	8/18/17 - 6/15/18

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**August 17, 2017**

<b><u>SITE/DEPARTMENT</u></b>	<b><u>ACTIVITY/DESCRIPTION</u></b>	<b><u>DATE</u></b>
<b><u>Ayala HS</u></b>		
BAC Boosters	Music In Motion	10/14/17
<b><u>Chino HS</u></b>		
Boys Water Polo	After School Snack Sale	8/18/17 - 6/30/18
Boys Water Polo	Spirit Wear Sale	8/18/17 - 6/30/18
Cross Country	After School Snack Sale	8/18/17 - 6/30/18
Cross Country	Spirit Wear Sale	8/18/17 - 6/30/18
Girls Tennis	After School Snack Sale	8/18/17 - 6/30/18
Girls Tennis	Spirit Wear Sale	8/18/17 - 6/30/18
Girls Volleyball	Spirit Wear Sale	8/18/17 - 6/30/18
Girls Volleyball	After School Snack Sale	8/18/17 - 6/30/18
Pep Squad Boosters	Spirit Wear Sale	8/18/17 - 6/30/18
Pep Squad Boosters	After School Juice-It-Up	8/18/17 - 6/30/18
Girls Tennis	Snap! Raise	8/22/17 - 9/19/17
Band Boosters	Cannataro's Family Night Out	8/25/17
Pep Squad Boosters	Chipotle Family Night Out	9/12/17
Renaissance	Mr. Chino High	3/16/18
<b><u>Chino Hills HS</u></b>		
Spirit Leader Boosters	Discount Card Sale	8/18/17 - 9/18/17
Spirit Leader Boosters	Yard Sign Sale	8/18/17 - 9/18/17

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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Humility • Civility • Service

**DATE:** August 17, 2017  
**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**  
**August 17, 2017**

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<b><u>Superintendent's Office</u></b>		
Schools First Credit Union	Cash	\$500.00
<b><u>Eagle Canyon ES</u></b>		
Kula Foundation	Cash	\$3.00
<b><u>Rhodes ES</u></b>		
Rhodes PEP Club	Cash	\$3,029.00
<b><u>Cal Aero K-8</u></b>		
Kula Foundation	Cash	\$24.00
Edison International	Cash	\$600.00
<b><u>Canyon Hills JHS</u></b>		
Kula Foundation	Cash	\$20.00
Alliant Insurance	Cash	\$250.00
Tushar & Bhumika Patel	Cash	\$1,000.00
<b><u>Townsend JHS</u></b>		
Pepsi Bottling Company	Cash	\$174.00
<b><u>AEC/Virtual HS</u></b>		
Kula Foundation	Cash	\$2.00
<b><u>Ayala HS</u></b>		
Chino Valley Medical Center	Cash	\$2,500.00

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**Our Motto:**  
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 Humility • Civility • Service

**DATE:** August 17, 2017

**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.

FIRM	MONTH	INVOICE AMOUNTS	2016/2017 YEAR-TO-DATE
Atkinson, Andelson, Loya, Ruud & Romo	June 2017	\$ 21,070.33	\$ 218,628.04
Chidester, Margaret A. & Associates	May/June 2017	\$ 133,464.79	\$1,283,123.58
McCune & Harber, LLP	-	-	\$ 7,814.41
Parker & Covert LLP	-	-	\$ 2,091.00
Thompson & Colegate LLP	June 2017	\$ 115.50	\$ 115.50
	<b>Total</b>	\$154,650.62	\$1,511,772.53

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; Chidester, Margaret A. & Associates; and Thompson & Colegate LLP.

**FISCAL IMPACT**

\$154,650.62 to the General Fund.

WMJ:SHC:LP:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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: APPLICATIONS TO OPERATE FUNDRAISING ACTIVITIES AND  
OTHER ACTIVITIES FOR THE BENEFIT OF STUDENTS**

=====

**BACKGROUND**

Administrative Regulation 1230 Community Relations – School Connected Organizations requires that any person or group of people desiring to raise money to benefit a student or students at one or more schools within the District shall request authorization to operate by applying to the Chino Valley Unified School District 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 applications to operate fundraising activities and other activities for the benefit of students.

**FISCAL IMPACT**

None.

WMJ:SHC:LP:wc



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**  
**August 17, 2017**

**AUTHORIZATION TO OPERATE FUNDRAISING ACTIVITIES  
AND OTHER ACTIVITIES FOR THE BENEFIT OF STUDENTS**

**Elementary Schools**

**Organization**

Country Springs  
Liberty  
Wickman

PFA  
PFA  
PTO

**Junior High Schools**

Townsend

PTSA

**High Schools**

Chino Hills

PTSA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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 Dan Mellon, Director, Risk Management; and adds signature authorization for Craig Frame, Director, Risk Management.

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.

WMJ:SHC:wc

**CHINO VALLEY UNIFIED SCHOOL DISTRICT  
 AUTHORIZED SIGNATURE LIST  
 August 17, 2017**

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

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

DOCUMENTS	NAMES
Special Projects Funding Applications, Funding Certifications	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park 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*	Sandra H. Chen Liz Pensick Patti Newton Javier Quirarte
Briggs Fundamental Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Buena Vista HS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Cal Aero Preserve Academy Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Canyon Hills JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Magnolia JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Ramona JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Townsend JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton

DOCUMENTS	NAMES
Woodcrest JHS Associated Student Body*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Elementary Student Bodies*	Wayne M. Joseph Sandra H. Chen Norm Enfield Grace Park Liz Pensick Patti Newton
Travel Advances	Wayne M. Joseph Sandra H. Chen Norm Enfield
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 Lea Fellows Grace Park Greg Stachura Anna G. Hamilton 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 Sylvia Orozco - (President) James Na - (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:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Mary Salcido, Director, Access and Equity

**SUBJECT: ADOPTION OF ENGLISH LANGUAGE DEVELOPMENT CURRICULUM FOR HIGH SCHOOLS**

=====

**BACKGROUND**

To provide current standard-aligned instructional materials to the students in the Chino Valley Unified School District, as mandated by the state of California, the program specified below is proposed for adoption.

The textbook adoption committee, comprised of all high school English Language Development (ELD) teachers, reviewed the 2007 EDGE, current supplemental instructional material to the 2000 ELD curriculum, with the latest 2014 edition. The 2014 edition of the EDGE curriculum is aligned to the new Common Core State Standards and offers improved technology components such as accessibility for school and home use. The textbook adoption committee’s recommendation is to adopt the latest 2014 edition of EDGE as core ELD curriculum in the high school ELD classes.

This information was presented to the Curriculum Council and A.C.T has been consulted.

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

**RECOMMENDATION**

It is recommended the Board of Education adopt the English Language Development curriculum for high schools, as follows:

Moore, David W., Short, Deborah J., Smith, Michael W., and Tatum, Alfred W. (2014). *EDGE*. 2<sup>nd</sup> Edition. Monterey, CA: National Geographic Learning/Cengage Learning

**FISCAL IMPACT**

Estimated \$65,000.00 to LCAP funds.

WMJ:GP:MS:dt

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support

**SUBJECT: REVISION OF BOARD POLICY 5146 STUDENTS – MARRIED/PREGNANT/PARENTING STUDENTS**

=====

**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 5146 Students – Married/Pregnant/Parenting Students is being revised to reflect state requirement that any education program or activity offered separately to pregnant students be “equal” to that offered to other District students, a standard that is more stringent than the federal standard for “comparable” programs. Policy also reflects new law (AB 302, 2015) requiring schools to offer reasonable accommodations, as specified, to any lactating student on the campus and providing that any complaint regarding noncompliance with these provisions may be addressed through the District’s uniform complaint procedures. This item was presented to the Board of Education on July 20, 2017, 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 Policy 5146 Students – Married/Pregnant/Parenting Students.

**FISCAL IMPACT**

None.

WMJ:GP:rtt



**MARRIED/PREGNANT/PARENTING STUDENTS**

The Board of Education recognizes that early marriage, pregnancy, or parenting may disrupt students' education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention through abstinence education. The Board also desires to support male and female expectant and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(CF. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Married, pregnant and parenting students in the District shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

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

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 6145 - Extracurricular and Cocurricular Activities)

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

**Expectant and Parenting Students**

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting teens and their children.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

Expectant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

## **MARRIED/PREGNANT/PARENTING STUDENTS (cont.)**

(cf. 6158 - Independent Study)  
(cf. 6183 - Home and Hospital Instruction)  
(cf. 6184 - Continuation Education)  
(cf. 6200 - Adult Education)

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by education code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 5141.6 - School Health Services)  
(cf. 5148 - Child Care and Development)  
(cf. 5148.1 - Child Care Services for Parenting Students)  
(cf. 6164.2 - Guidance/Counseling Services)

### **Pregnancy Prevention Program**

Superintendent or designee shall ensure that age-appropriate, culturally sensitive, and community-sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The District's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth.

(cf. 5141.25 - Availability of Condoms)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6143 - Courses of Study)

### **ABSENCES**

PREGNANT OR PARENTING STUDENTS MAY BE EXCUSED FOR ABSENCES RELATED TO CONFIDENTIAL MEDICAL APPOINTMENTS IN ACCORDANCE WITH BOARD POLICY AND ADMINISTRATIVE REGULATION 5113 - ABSENCES AND EXCUSES.

(cf. 5113 - Absences and Excuses)

THE SUPERINTENDENT OR DESIGNEE SHALL GRANT A STUDENT A LEAVE OF ABSENCE DUE TO PREGNANCY, CHILDBIRTH, FALSE PREGNANCY, TERMINATION OF PREGNANCY, AND RELATED RECOVERY FOR AS LONG AS IT IS DEEMED MEDICALLY NECESSARY BY A PHYSICIAN. AT THE CONCLUSION OF

**MARRIED/PREGNANT/PARENTING STUDENTS (cont.)**

THE LEAVE, THE STUDENT SHALL BE REINSTATED TO THE STATUS HELD WHEN THE LEAVE BEGAN. (34 CFR 106.40)

(cf. 5112.3 - Student Leave of Absence)

A PARENTING STUDENT MAY REQUEST EXEMPTION FROM ATTENDANCE BECAUSE OF PERSONAL SERVICES THAT MUST BE RENDERED TO A DEPENDENT.

(cf. 5112.1 - Exemptions from Attendance)

**REASONABLE ACCOMODATIONS**

WHEN NECESSARY, THE DISTRICT SHALL PROVIDE REASONABLE ACCOMMODATIONS TO PREGNANT AND PARENTING STUDENTS TO ENABLE THEM TO ACCESS THE EDUCATIONAL PROGRAM.

A PREGNANT STUDENT SHALL HAVE ACCESS TO ANY SERVICES AVAILABLE TO OTHER STUDENTS WITH TEMPORARY DISABILITIES OR MEDICAL CONDITIONS. (34 CFR 106.40)

(cf. 6183 - Home and Hospital Instruction)

THE SCHOOL SHALL PROVIDE REASONABLE ACCOMMODATIONS TO ANY LACTATING STUDENT TO EXPRESS BREAST MILK, BREASTFEED AN INFANT CHILD, OR ADDRESS OTHER NEEDS RELATED TO BREASTFEEDING. A STUDENT SHALL NOT INCUR AN ACADEMIC PENALTY FOR USING ANY OF THESE REASONABLE ACCOMMODATIONS, AND SHALL BE PROVIDED THE OPPORTUNITY TO MAKE UP ANY WORK MISSED DUE TO SUCH USE. REASONABLE ACCOMMODATIONS INCLUDE, BUT ARE NOT LIMITED TO: (Education Code 222)

1. ACCESS TO A PRIVATE AND SECURE ROOM, OTHER THAN A RESTROOM, TO EXPRESS BREAST MILK OR BREASTFEED AN INFANT CHILD
2. PERMISSION TO BRING ONTO A SCHOOL CAMPUS A BREAST PUMP AND ANY OTHER EQUIPMENT USED TO EXPRESS BREAST MILK
3. ACCESS TO A POWER SOURCE FOR A BREAST PUMP OR ANY OTHER EQUIPMENT USED TO EXPRESS BREAST MILK
4. ACCESS TO A PLACE TO STORE EXPRESSED BREAST MILK SAFELY

**MARRIED/PREGNANT/PARENTING STUDENTS (cont.)**

5. A REASONABLE AMOUNT OF TIME TO ACCOMMODATE THE STUDENT'S NEED TO EXPRESS BREAST MILK OR BREASTFEED AN INFANT CHILD

**COMPLAINTS**

ANY COMPLAINTS OF DISCRIMINATION ON THE BASIS OF PREGNANCY OR MARITAL OR PARENTAL STATUS SHALL BE ADDRESSED THROUGH THE DISTRICT'S UNIFORM COMPLAINT PROCEDURES IN ACCORDANCE WITH 5 CCR 4600-4687 AND BP/AR 1312.3 - UNIFORM COMPLAINT PROCEDURES.

(cf. 1312.3 - Uniform Complaint Procedures)

ANY COMPLAINT ALLEGING DISTRICT NONCOMPLIANCE WITH THE REQUIREMENTS TO PROVIDE REASONABLE ACCOMMODATIONS FOR LACTATING STUDENTS ALSO MAY BE FILED IN ACCORDANCE WITH THE DISTRICT'S PROCEDURES IN AR 1312.3 - UNIFORM COMPLAINT PROCEDURES. A COMPLAINANT WHO IS NOT SATISFIED WITH THE DISTRICT'S DECISION MAY APPEAL THE DECISION TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE). IF THE DISTRICT OR THE CDE FINDS MERIT IN AN APPEAL, THE DISTRICT SHALL PROVIDE A REMEDY TO THE AFFECTED STUDENT. (Education Code 222; 5 CCR 4600-4687)

**Legal Reference:**

EDUCATION CODE

222 Reasonable accommodations; lactating students  
230 Sex discrimination  
8200-8498 Child Care and Development Act  
48205 Excused absences  
48220 Compulsory education requirement  
48410 Persons exempted from continuation classes  
49553 Nutrition supplements for pregnant/lactating students  
51220.5 Parenting skills and education  
51745 Independent study  
52610.5 Enrollment of pregnant and parenting students in adult education  
54740-54749.5 California School Age Families Education Program (Cal-SAFE)

CIVIL CODE

51 Unruh Civil Rights Act

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures  
4950 Nondiscrimination, marital and parental status

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

**MARRIED/PREGNANT/PARENTING STUDENTS (cont.)**

101351-101439.1 Infant care centers

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

UNITED STATES CODE, TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 7

243.1-246.28 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168(2004)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4<sup>th</sup> 307

**Management Resources:**

CALIFORNIA WOMEN'S LAW CENTER PUBLICATIONS

Educational Rights of Pregnant and Parenting Teens: Title IX and California State Law Requirements

Pregnant Students and Confidential Medical Services

The Civil Rights of Pregnant and Parenting Teens in California Schools, 2002

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Supporting the Academic Success of Pregnant and Parenting Students under Title IX of the Educational Amendments of 1972, rev. June 2013

WEBSITES

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

California Women's Law Center: [www.cwlc.org/resources](http://www.cwlc.org/resources)

U.S. Department of Agriculture, Women, Infants, and Children Program: [www.fns.usda.gov/wic](http://www.fns.usda.gov/wic)

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

**Chino Valley Unified School District**

Policy adopted: January 23, 1997

Revised: April 23, 1998

Revised: February 3, 2000

Revised: September 22, 2011

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Julian Rodriguez, Director, Secondary Curriculum  
**SUBJECT: REVISION OF BOARD POLICY 6145 INSTRUCTION – EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**

=====

**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 6145 Instruction – Extracurricular and Cocurricular Activities is being revised to reflect law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in extracurricular activities. Legal cites added for the prohibition against student fees and the requirement to annually review the policy. This item was presented to the Board of Education on July 20, 2017, 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 Policy 6145 Instruction – Extracurricular and Cocurricular Activities.

**FISCAL IMPACT**

None.

WMJ:GP:JR:rtt

## EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

The Board of Education recognizes that extracurricular and cocurricular activities enrich the educational and social development ~~and experiences~~ OF STUDENTS AND ENHANCE STUDENTS' FEELINGS OF CONNECTEDNESS WITH THE SCHOOLS. The District shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

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

UNLESS SPECIFICALLY AUTHORIZED BY LAW, ~~No student shall be prohibited from~~ CHARGED A FEE FOR HIS/HER participatingTION in EDUCATIONAL ACTIVITIES, INCLUDING extracurricular and cocurricular activities AND MATERIALS OR EQUIPMENT related to ~~the educational program because of inability to pay fees associated with the activity~~ SUCH ACTIVITIES. (Education Code 49010, 49011)

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

~~No~~ PREREQUISITES FOR STUDENT PARTICIPATION IN extracurricular or cocurricular ~~program or activities~~ES shall be ~~provided or conducted separately~~ LIMITED TO THOSE THAT HAVE BEEN DEMONSTRATED TO BE ESSENTIAL TO THE SUCCESS OF THE ACTIVITY. ~~and no District student's participation in~~ NO extracurricular ~~and~~ OR cocurricular PROGRAM OR activitiesY shall be required PROVIDED or ~~refused~~ CONDUCTED SEPARATELY ON THE ~~based~~IS ~~on the student's gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. Requirements for~~ OF ANY ACTUAL OR PERCEIVED CHARACTERISTIC LISTED AS A PROHIBITED CATEGORY OF DISCRIMINATION IN STATE OR FEDERAL LAW, NOR SHALL ANY STUDENT'S participation in AN extracurricular ~~and~~ OR cocurricular activitiesY ~~shall be limited to those that are essential to the success of the activity~~ BE REQUIRED OR REFUSED ON THOSE BASES. (5 CCR 4925)

The Superintendent or designee shall ensure that disabled students have access, to the extent possible, to extracurricular and cocurricular activities, student organizations and school-related social events.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
 (cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual harassment)

## **EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (cont.)**

(cf. 6145.5 – Student Organizations and Equal Access)

ANY COMPLAINT ALLEGING UNLAWFUL DISCRIMINATION IN THE DISTRICT'S EXTRACURRICULAR OR COCURRICULAR PROGRAMS OR ACTIVITIES SHALL BE FILED IN ACCORDANCE WITH BP/AR 1312.3 – UNIFORM COMPLAINT PROCEDURES.

(cf. 1312.3 – Uniform Complaint Procedures)

### **Eligibility Requirements**

To ~~BE encourage and support academic excellence, the Board requires~~ ELIGIBLE TO PARTICIPATE IN EXTRACURRICULAR AND COCURRICULAR ACTIVITIES students in grades 7 through 12 ~~to~~ MUST demonstrate satisfactory educational progress in the previous grading period ~~in order to be eligible to participate in extracurricular and cocurricular activities,~~ including but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 ~~or “C”~~ grade point average on a 4.0 scale.
2. Maintenance of minimum progress toward meeting high school graduation requirements.

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 6146.1 - High School Graduation Requirements)

The Board desires to balance the academic needs of students with the benefits they receive from participating in school activities. In implementing this policy, the Superintendent or designee shall provide academic support to ineligible students to assist them in regaining their eligibility.

There will be no probationary period for students entering high school who do not meet the 2.0 GPA eligibility requirements.

Any decision regarding the eligibility of ~~any~~ A HOMELESS STUDENT, ~~child in foster care~~ YOUTH or ~~a~~ child of ~~a~~N ACTIVE DUTY military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)



## **EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (cont.)**

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency, as well as the substance synephrine, and from using or selling alcohol or other drugs or related paraphernalia.

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

### **Student Conduct at Extracurricular/Cocurricular Events**

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

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

### **Annual Policy Review**

The Board shall annually review this policy and implementing regulations. (Education Code 35160.5)

#### **Legal Reference:**

##### EDUCATION CODE

35145 Public meetings

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

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of homeless students and foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49010-49013 Student fees

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

##### CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

##### CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

## **EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (cont.)**

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

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

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

### **Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), Coded Correspondence 10-11, July 20, 2010

WEBSITES

California Association of Directors of Activities: [www.cada1.org](http://www.cada1.org)

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

California Interscholastic Federation: [www.cifstate.org](http://www.cifstate.org)

Commission on Teacher Credentialing: [www.ctc.ca.gov](http://www.ctc.ca.gov)

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

Adopted: August 21, 1997

Revised: October 23, 1997

Revised: August 10, 2000

Revised: February 7, 2002

Revised: May 4, 2006

Revised: January 24, 2008

Revised: February 18, 2010

Revised: April 7, 2011

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: PURCHASE ORDER REGISTER**

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**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**

\$11,450,464.43 to all District funding sources.

WMJ:GJS:AGH:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: AGREEMENTS FOR CONTRACTOR/CONSULTANT SERVICES**

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**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:AGH:pw

CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT	FISCAL IMPACT
<b>CIIS 1718-066 UROK Learning.</b> To provide in home tutoring. Submitted by: Student Support Services Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$3,000.00  Funding source: LCAP
<b>CIIS 1718-067 Professional Tutors of America, Inc.</b> To provide in home tutoring. Submitted by: Student Support Services Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$30,000.00  Funding source: LCAP
<b>CIIS 1718-068 Oxford Tutoring Center.</b> To provide in home tutoring. Submitted by: Student Support Services Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$7,000.00  Funding source: LCAP
<b>CIIS 1718-069 Leading Edge Learning Center.</b> To provide in home tutoring. Submitted by: Student Support Services Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$10,000.00  Funding source: LCAP
<b>CIIS 1718-070 Mijac Alarm.</b> To provide District-wide fire and security alarm monitoring services. Submitted by: Technology Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$4,995.00  Funding source: General Fund
<b>CIIS 1718-071 Backbone Communications.</b> To provide special education MVRC student subscription license. Submitted by: Elementary Curriculum and Instruction Duration of Agreement: 8/1/2017 - 6/30/2018	Contract amount: \$1,800.00  Funding source: General Fund
<b>CIIS 1718-072 2Teach LLC.</b> To provide professional development for teachers. Submitted by: Canyon Hills JHS, Ramona JHS, and Don Lugo HS. Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$20,608.25  Funding source: Professional Development
<b>CIIS 1718-073 Houghton Mifflin Harcourt, Intervention Solutions.</b> To provide Student Achievement Management (SAM) hosting service license renewal for secondary school sites. Submitted by: Secondary Curriculum Duration of Agreement: 8/1/2017 - 6/30/2018	Contract amount: \$25,440.00  Funding source: LCAP
<b>CIIS 1718-074 ShredZero.</b> To provide hard drive shredding for obsolete computers. Submitted by: Technology Duration of Agreement: 8/18/2017 - 6/30/2018	Contract amount: Per rate sheet  Funding source: Technology
<b>CIIS 1718-075 Anthony M. Cummings Educational Consultant, LLC.</b> To provide mentorship and guidance. Submitted by: Chino HS Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$28,200.00  Funding source: Title I
<b>CIIS 1718-076 MIND Research Institute.</b> To provide web-based math curriculum. Submitted by: Cortez ES, Dickey ES, Marshall ES, and Briggs K-8. Duration of Agreement: 7/1/2017 to 6/30/2018	Contract amount: \$15,500.00  Funding source: Title I

<b>CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT</b>	<b>FISCAL IMPACT</b>
<b>CIIS 1718-077 International Academy of Science.</b> To provide Acellus web-based learning; 3 year student license; teacher training; 3 year teacher support; and Acellus camp. Submitted by: Alternative Education Center Duration of Agreement: 7/1/2017 – 6/30/2020	Contract amount: \$23,699.00  Funding source: General Fund

<b>FACILITIES, PLANNING, AND OPERATIONS</b>	<b>FISCAL IMPACT</b>
<b>F-1718-004 George and Elizabeth Gonzales.</b> To provide weed and brush abatement services. Submitted by: Facilities, Planning, and Operations Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$31,680.00  Funding source: General Fund
<b>F-1718-005 Dude Solutions (School Dude).</b> To provide online subscription for FSDirect, MaintenanceDirect, and MySchool Dude. Submitted by: Facilities, Planning, and Operations Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$24,055.50  Funding source: General Fund
<b>F-1718-006 Academic Asset Management, Inc.</b> To provide textbook transportation services. Submitted by: Facilities, Planning, and Operations Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: Per rate sheet  Funding source: Various

<b>HUMAN RESOURCES</b>	<b>FISCAL IMPACT</b>
<b>HR-1718-008 Universal Psychological Services.</b> To provide psychological evaluations for pre-employment. Submitted by: Human Resources Duration of Agreement: 7/1/2017 - 6/30/2018	Contract amount: \$6,000.00  Funding source: General Fund

<b>MASTER CONTRACTS</b>	<b>FISCAL IMPACT</b>
<b>MC-1718-006 Love and Logic Institute.</b> To provide professional development for teachers. Submitted by: Chino Hills HS Duration of Agreement: 8/18/2017 - 6/30/2019	Contract amount: Per rate sheet  Funding source: Various
<b>MC-1718-007 PSS Imaging.</b> To provide photography for student pictures, dances, rallies, etc. Submitted by: Ayala HS Duration of Agreement: 7/1/2017 - 6/19/2019	Contract amount: Per rate sheet  Funding source: Various
<b>MC-1718-008 The Amazing Tei Street.</b> To provide keynote speaker and workshops. Submitted by: Chino HS Duration of Agreement: 7/1/2017 - 6/30/2019	Contract amount: Per rate sheet  Funding source: Various
<b>MC-1718-009 DJ and Tacos.</b> To provide event catering with music. Submitted by: Chino Hills HS Duration of Agreement: 7/1/2017 - 6/30/2019	Contract amount: Per rate sheet  Funding source: Various
<b>MC-1718-010 Mark Backes dba Ultra Fun Run, Inc.</b> To provide fundraising jog-a-thon. Submitted by: Cal Aero Preserve K-8 Duration of Agreement: 8/18/2017 - 6/30/2019	Contract amount: Per rate sheet  Funding source: Various

APPROVED CONTRACTS TO BE AMENDED	AMENDMENT
<p><b>CIIS 1718-024 Rockstar Recruiting LLC dba Staff Rehab.</b>            To provide speech/language therapy and occupational therapy.            Submitted by: Special Education            Duration of Agreement: 7/1/2017 - 6/30/2018            Original Agreement Board Approved: June 29, 2017</p>	<p>Add Licensed Vocational Nurse (LVN) services to contract.             Funding source: Special Education</p>
<p><b>CIIS 1718-064 Pacific College.</b>            To provide instructor for cyber-security class.            Submitted by: Alternative Education Center            Duration of Agreement: June 16, 2017 – August 1, 2017            Original Agreement Board Approved: July 20, 2017</p>	<p>Increase contract amount from \$5,000.00 to \$5,550.00 for cloud based Cisco Labs fee.             Funding source: General Fund</p>
<p><b>CIIS 1718-004 City of Chino–ASES.</b>            To provide ASES after school programs.            Submitted by: Health Services            Duration of Agreement: July 1, 2017 – June 30, 2018            Original Agreement Board Approved: June 15, 2017</p>	<p>Increase contract amount from \$438,697.00 to \$448,584.07             Funding source: ASES Grant</p>

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**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**

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**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**  
August 17, 2017

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Reading Pen II (2)	Wizcom		Special Ed.
Magnifier	Zoom Text	8109-11041-1724	Special Ed.
Magnifier	Zoom Text	8109-110118-3989	Special Ed.
Printer	Dell	FGHVDJ1	Special Ed.
Printer	HP	MY493D10H0	Special Ed.
Dynavox/Charger	Dynavox	11994/11523	Special Ed.
Magic Touch Screen	Keytech	9939889	Special Ed.
Magic Touch Screen	Keytech	9939888	Special Ed.
Metal Cabinets (6)			Special Ed.
Fusion Writer	AKT		Special Ed.
Macaw	Zygo	4021	Special Ed.
Portable Magnifier	Optelec	CG1328A0066	Special Ed.
Portable Communicator	Dynavox Tech	M3003283	Special Ed.
Portable Communicator	Dynavox Tech	M3002495	Special Ed.
2520 Switch Pwr	HP	CN244DP0DW	Technology
4200 Switch-28port	3Com	LGZV89JE82B20	Technology
4210 Switch-26port	3Com	9J8F9PLBFEEF1	Technology
4210 Switch-9portPwr	3Com	9K2FAYP01CD5C	Technology
4210 Switch-9portPwr	3Com	9K2FAYP01D64E	Technology
4210 Switch-9portPwr	3Com	9K2FCDR56FAFC	Technology
4400 Switch-48port	3Com	20154	Technology
Access Point	MP522	38829	Technology
Access Point	MP522	A28104900876	Technology
Access Point	MP522	38847	Technology
CPU	Dell	21080	Technology
iBook	Apple	14097/UV1512QSLLK	Technology
iBook	Apple	21301	Technology
iPad	Apple	DMQMW3NWFK11/43844	Technology
Latitude	Dell	14876/BXYR911	Technology
Latitude 2120	Dell	36364/CJMXQQ1	Technology
Latitude 5400	Dell	30227/H48X9K1	Technology
Latitude 5400	Dell	39838/8P786S1	Technology
Latitude D630	Dell	28645/CZ6ZFG1	Technology
Latitude D630	Dell	25628/1M9SPD1	Technology
Latitude E5430	Dell	40805/2DJRXW1	Technology
Latitude E5430	Dell	CFQQYW1/41145	Technology
Latitude E5440	Dell	45598/3XZTL32	Technology
OptiPlex	Dell	32908	Technology

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
OptiPlex	Dell	32883	Technology
OptiPlex	Dell	32897	Technology
OptiPlex 3010	Dell	41023/DYW6CX1	Technology
OptiPlex 3020	Dell	1CLNJS1	Technology
OptiPlex 3020	Dell	4HH4V12	Technology
OptiPlex 3020	Dell	4HP5V12	Technology
OptiPlex 3020	Dell	4HM6V12	Technology
OptiPlex 3020	Dell	4HB4V12	Technology
OptiPlex 3020	Dell	4HS4V12	Technology
OptiPlex 7010	Dell	40827/GKTDTW1	Technology
OptiPlex 780	Dell	848YBP1	Technology
OptiPlex 780	Dell	33970	Technology
OptiPlex 780	Dell	32890	Technology
OptiPlex 780	Dell	32912	Technology
OptiPlex 780	Dell	32896	Technology
OptiPlex 780	Dell	32894	Technology
OptiPlex 780	Dell	4VSXGM1/32892	Technology
OptiPlex 780	Dell	32888	Technology
OptiPlex 780	Dell	4WSXGM1/32898	Technology
OptiPlex 780	Dell	32902	Technology
OptiPlex 780	Dell	BTSXGM1/32916	Technology
OptiPlex 780	Dell	B21SSR1/39379	Technology
OptiPlex 780	Dell	32889	Technology
OptiPlex 780	Dell	34197/4DPGLN1	Technology
OptiPlex 780	Dell	35210/9YL2FP1	Technology
OptiPlex 780	Dell	35196	Technology
OptiPlex 780	Dell	6ZJ0FP1	Technology
OptiPlex 780	Dell	34937	Technology
OptiPlex 780	Dell	34938	Technology
OptiPlex 780	Dell	34884/6YX0FP1	Technology
OptiPlex 780	Dell	38764/GM4GZQ1	Technology
OptiPlex 780	Dell	9ZTSSR1	Technology
OptiPlex 780	Dell	39872	Technology
OptiPlex 780	Dell	B20RSR1	Technology
OptiPlex 780	Dell	32907	Technology
OptiPlex 780	Dell	32915	Technology
OptiPlex 780	Dell	34836	Technology
OptiPlex 780	Dell	6YRZDP1	Technology
OptiPlex 780	Dell	34904	Technology
OptiPlex 780*	Dell	4NBGLN1/36077/C-0248	Technology
OptiPlex 780*	Dell	34276/C-0679	Technology
OptiPlex 780*	Dell	34353/C-0039	Technology

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
OptiPlex 790	Dell	4FQGMS1/39822	Technology
OptiPlex 790	Dell	35202	Technology
OptiPlex 790	Dell	38766	Technology
OptiPlex 790	Dell	39862	Technology
OptiPlex 790	Dell	38718	Technology
OptiPlex 790	Dell	39394	Technology
OptiPlex 790	Dell	32914	Technology
OptiPlex 790	Dell	32895	Technology
OptiPlex 790	Dell	B1ZRSR1	Technology
OptiPlex 790	Dell	B1ZSSR1	Technology
OptiPlex 790	Dell	B1XSSR1	Technology
OptiPlex 790	Dell	B1VTSR1	Technology
Surface Pro 3	Microsoft	45944/046276344253	Technology
Surface Pro 3	Microsoft	010231745353/45235	Technology
Surface Pro 3	Microsoft	046276344253/45944	Technology
Thin Client Bundle	HP	42973	Technology
Thin Client Bundle	HP	42921	Technology
Thin Client Bundle	HP	42978	Technology
Thin Client Bundle	HP	42627	Technology
Thin Client Bundle	HP	42752	Technology
Thin Client Bundle	HP	MXL3481MQP	Technology
Thin Client Bundle	HP	MXL3481MQF	Technology
Thin Client Bundle	HP	MXL3481MQZ	Technology
Thin Client Bundle	HP	MXL3481MQW	Technology
Thin Client Bundle	HP	MXL3481MR1	Technology
Thin Client Bundle	HP	MXL3481MQH	Technology
Thin Client Bundle	HP	MXL3481MRV	Technology
Thin Client Bundle	HP	MXL3481MRW	Technology
Thin Client Bundle	HP	MXL3481MR0	Technology
Thin Client Bundle	HP	MXL3481MQR	Technology
Thin Client Bundle	HP	MXL3481MQD	Technology
Thin Client Bundle	HP	MXL3481MQY	Technology
Thin Client Bundle	HP	MXL3481MRF	Technology
Thin Client Bundle	HP	MXL3481MRC	Technology
Thin Client Bundle	HP	MXL3481MRH	Technology
Thin Client Bundle	HP	MXL3481MQB	Technology
Thin Client Bundle	HP	MXL3481MRG	Technology
Thin Client Bundle	HP	MXL3481MQX	Technology
Thin Client Bundle	HP	MXL3481MR6	Technology
Thin Client Bundle	HP	MXL3481MQM	Technology
Thin Client Bundle	HP	MXL3481MQC	Technology
Thin Client Bundle	HP	MXL3481MQT	Technology

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Thin Client Bundle	HP	MXL3481MQQ	Technology
Thin Client Bundle	HP	MXL3481MQV	Technology
Thin Client Bundle	HP	MXL3481MRT	Technology
Thin Client Bundle	HP	MXL3481MRL	Technology
Thin Client Bundle	HP	MXL3481MRS	Technology
Thin Client Bundle	HP	MXL3481MRM	Technology
Thin Client Bundle	HP	MXL3481MRQ	Technology
Thin Client Bundle	HP	MXL3481MRK	Technology
Thin Client Bundle	HP	MXL3481MRR	Technology
Thin Client Bundle	HP	MXL3481MRJ	Technology
Thin Client Bundle	HP	MXL3481MQS	Technology
Thin Client Bundle	HP	MXL3481MRN	Technology
XServer	Apple	XB322019N9A/17712	Technology
Projector	DUKANE EP 1800		Borba ES
Projector	3M 1800		Borba ES
Projector	3M 1800		Borba ES
Projector	3M 1800		Borba ES
Desk			Borba ES
Red Wheel Cart			Borba ES
Chair			Borba ES
Monitors (2)	Dell		Borba ES
Key Boards (3)	Dell		Borba ES
Computer	Dell	9YRYH1	Borba ES
Computer	Dell	6G0ZYH1	Borba ES
Computer	Dell	7XRYYH1	Borba ES
Computer	Dell	DK3Y8K1	Borba ES
Computer	Dell	27587	Borba ES
Computer	Dell	GJHTBK1	Borba ES
Computer	Dell	94JS4G1	Borba ES
Computer	Dell	G2JS4G1	Borba ES
Monitor	Gateway		Borba ES
Monitor	Gateway		Borba ES
Printer	Xerox	28220	Borba ES
Student Chairs (30)			Eagle Canyon ES
TV	GE	30503	Eagle Canyon ES
Chalkboards (2)			Eagle Canyon ES
Monitor	Dell	64180-023-OVEO	Walnut ES
Monitor	Dell	64180-022-1ERO	Walnut ES
Monitor	Dell	64180-023-OVRO	Walnut ES
Monitor	Dell	64180-023-OVPU	Walnut ES
Monitor	Dell	64180-023-OVTU	Walnut ES
Monitor	Dell	64180-023-OVCU	Walnut ES

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Monitor	Dell	64180-023-1OES	Walnut ES
Monitor	Dell	64180-022-1MRU	Walnut ES
Monitor	Dell	64180-023-098U	Walnut ES
Monitor	Dell	64180-023-OVSU	Walnut ES
Monitor	Dell	64180-023-OVFU	Walnut ES
Monitor	Dell	64180-022-09BU	Walnut ES
Monitor	Dell	64180-022-1MUU	Walnut ES
Monitor	Dell	64180-022-18KU	Walnut ES
Monitor	Dell	64180-02R-10HS	Walnut ES
Monitor	Dell	64180-023-08WU	Walnut ES
Monitor	Dell	64180-022-OFKU	Walnut ES
Monitor	Dell	64180-02R-103S	Walnut ES
Monitor	Dell	64180-022-10FU	Walnut ES
Monitor	Dell	64180-022-1GYU	Walnut ES
Monitor	Dell	64180-022-OXRU	Walnut ES
Monitor	Dell	64180-023-OVNU	Walnut ES
Monitor	Dell	64180-02R-10AS	Walnut ES
Monitor	Dell	64180-02R-10JS	Walnut ES
Monitor	Dell	64180-02R-0ZZS	Walnut ES
Monitor	Dell	64180-022-1Q2U	Walnut ES
Monitor	Dell	64180-022-1JBU	Walnut ES
Monitor	Dell	64180-023-OVHU	Walnut ES
Monitor	Dell	64180-023-OVMU	Walnut ES
Monitor	Dell	64180-023-085U	Walnut ES
Monitor	Dell	64180-023-08YU	Walnut ES
Monitor	Dell	64180-023-09NU	Walnut ES
Monitor	Dell	64180-023-08UU	Walnut ES
Monitor	Dell	64180-023-091U	Walnut ES
Computer	HP	T306-481MRC	Walnut ES
Computer	HP	T306-481MQB	Walnut ES
Computer	HP	T306-481MRC	Walnut ES
Computer	HP	T306-481MQ4	Walnut ES
Computer	HP	T306-481MQQ	Walnut ES
Computer	HP	T306-481MQP	Walnut ES
Computer	HP	T306-481MQZ	Walnut ES
Computer	HP	T306-481MRK	Walnut ES
Computer	HP	T306-481MRS	Walnut ES
Computer	HP	T306-481MQM	Walnut ES
Computer	HP	T306-481MRG	Walnut ES
Computer	HP	T306-481MRF	Walnut ES
Computer	HP	T306-481MQR	Walnut ES
Computer	HP	T306-481MRQ	Walnut ES

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Computer	HP	T306-481MRO	Walnut ES
Computer	HP	T306-481MRH	Walnut ES
Computer	HP	T306-481MRJ	Walnut ES
Computer	HP	T306-481MRG	Walnut ES
Computer	HP	T306-481MRN	Walnut ES
Computer	HP	T306-481MQX	Walnut ES
Computer	HP	T306-481MRI	Walnut ES
Computer	HP	T306-481MRL	Walnut ES
Computer	HP	T306-481MQD	Walnut ES
Computer	HP	T306-481MQV	Walnut ES
Computer	HP	T306-481MQF	Walnut ES
Computer	HP	T306-481MRR	Walnut ES
Computer	HP	T306-481MRM	Walnut ES
Computer	HP	T306-481MRI	Walnut ES
Computer	HP	T306-481MQS	Walnut ES
Computer	HP	T306-481MQT	Walnut ES
Computer	HP	T306-481-MQW	Walnut ES
Computer	HP	T306-481MQC	Walnut ES
Computer	HP	T306-481MRW	Walnut ES
Keyboard	HP	BCYRUOAHH5IJXG	Walnut ES
Keyboard	HP	BCYRUOAHH5IR4D	Walnut ES
Keyboard	HP	BCYRUOAHH5IJWW	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOI	Walnut ES
Keyboard	HP	BCYRUOAHH5HF2B	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOK	Walnut ES
Keyboard	HP	BCYRUOAHH5HF26	Walnut ES
Keyboard	HP	BCYRUOAHH5IJZL	Walnut ES
Keyboard	HP	BCYRUOAHH5IJZY	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOJ	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOJ	Walnut ES
Keyboard	HP	BCYRUOAHH5IR4C	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOE	Walnut ES
Keyboard	HP	BCYRUOAHH5IJZZ	Walnut ES
Keyboard	HP	BCYRUOA5HFAB	Walnut ES
Keyboard	HP	BCYRUOAHH5IJY4	Walnut ES
Keyboard	HP	BCYRUOAHH5JY4	Walnut ES
Keyboard	HP	BCYRUOA5HF3X	Walnut ES
Keyboard	HP	BCYRUOAHH5HF3X	Walnut ES
Keyboard	HP	BCYRUOAHH5IJXL	Walnut ES
Keyboard	HP	BCYRUOA5HF62	Walnut ES
Keyboard	HP	BCYRUOAHH5HF7C	Walnut ES
Keyboard	HP	BCYRUOAHH5HF25	Walnut ES

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Keyboard	HP	BCYRUOAHH5QFR8	Walnut ES
Keyboard	HP	BCYRUOAHH5IKOH	Walnut ES
Keyboard	HP	BCYRUOAHH5HF7K	Walnut ES
Keyboard	HP	BCYRUOAHH5IJKJ	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOH	Walnut ES
Keyboard	HP	BCYRUOAHH5HF78	Walnut ES
Keyboard	HP	BCYRUOAHH5IKOO	Walnut ES
Keyboard	HP	BCYRUOAHH5HFOG	Walnut ES
Keyboard	HP	BC2ABOFGAXD120	Walnut ES
Keyboard	HP	BC2ABBOFGAXD31Q	Walnut ES
Keyboard	HP	BC2ABOFGAXD03M	Walnut ES
Keyboard	HP	BC2ABOFGAXD3SN	Walnut ES
Keyboard	HP	BC2ABOFGAXDIUI	Walnut ES
Keyboard	HP	BC2ABOFGAXD1R8	Walnut ES
Laserjet 1200 Printer	HP	13634	Canyon Hills JHS

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: RESOLUTIONS 2017/2018-10, 2017/2018-11, 2017/2018-12, AND  
2017/2018-13 FOR AUTHORIZATION TO UTILIZE PIGGYBACK  
CONTRACTS**

=====  
**BACKGROUND**

Public Contract Code (PCC) 20111 requires school district governing boards to competitively bid and award any contracts involving an expenditure of more than \$86,000.00 to the lowest responsible bidder.

Notwithstanding PCC 20111, PCC 20118 and Administrative Regulation 3311(g) state that without advertising for bids and upon a determination that it is in the best interest of the District, the Board may authorize District staff by contract, lease, requisition, or purchase order of another public corporation or agency, to lease data-processing equipment, or to purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor (piggyback).

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the District may authorize the lease or purchase of personal property directly to the vendor under the same terms that are available to the public corporation or agency under the contract.

Staff requests approval of the following resolutions to provide authorization for the District to participate by piggyback in the contracts as itemized:

<b>Resolution</b>	<b>Contract</b>	<b>Contractors</b>	<b>Description</b>	<b>Term</b>
2017/2018-10	DGS Participating Addendum 7-16-70-36	SHI International Corp.	Software Value Added Reseller (VAR)	10/12/2016-4/7/2018



<b>Resolution</b>	<b>Contract</b>	<b>Contractors</b>	<b>Description</b>	<b>Term</b>
2017/2018-11	San Bernardino County ePro Contract 178637	Daisy IT Supplies Sales & Service	Daisy Brand Premium Printer Toner and Printer Ink	7/1/2016-6/30/2019
2017/2018-12	Fontana Unified School District Bid No. 15/16-1444	Southern California Pizza Co. (Pizza Hut)	Pizza Delivered and Ready to Serve	7/1/2017-6/30/2018
2017/2018-13	San Bernardino County AGENCY17-PURC-2378	Merit Oil	Gasoline and Diesel Fuel	6/15/2017-6/14/2022

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

### **RECOMMENDATION**

It is recommended the Board of Education adopt Resolutions 2017/2018-10, 2017/2018-11, 2017/2018-12, and 2017/2018-13 for authorization to utilize piggyback contracts.

### **FISCAL IMPACT**

Unknown.

WMJ:GJS:AGH:pw

**Chino Valley Unified School District  
Resolution 2017/2018-10  
Authorization to Utilize the DGS Participating Addendum 7-16-70-36  
With SHI International Corp.  
to Purchase Software Value Added Reseller (VAR)  
Through the Piggyback Contract**

**WHEREAS**, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure software VAR for the District;

**WHEREAS**, DGS Participating Addendum currently has a piggyback contract, 7-16-70-36, in accordance with Public Contract Code 20118 with SHI International Corp. that contains the materials, supplies, equipment and/or other personal property the District currently requires;

**WHEREAS**, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

**WHEREAS**, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

**WHEREAS**, the Board has determined that it is in the best interest of the District to authorize the purchase of software VAR through the piggyback contract procured by the DGS Participating Addendum 7-16-70-36.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of software VAR through the piggyback contract originally procured by the DGS Participating Addendum 7-16-70-36 is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of software VAR in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the DGS Participating Addendum 7-16-70-36.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of October 12, 2016, for the term ending April 7, 2018.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

---

Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**Chino Valley Unified School District  
Resolution 2017/2018-11  
Authorization to Utilize the San Bernardino County ePro Contract 178637  
With Daisy IT Supplies Sales & Service  
to Purchase Daisy Brand Premium Printer Toner and Printer Ink  
Through the Piggyback Contract**

**WHEREAS**, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure Daisy brand premium printer toner and printer ink for the District;

**WHEREAS**, San Bernardino County ePro currently has a piggyback contract, Contract 178637, in accordance with Public Contract Code 20118 with Daisy Supplies Sales & Service that contains the materials, supplies, equipment and/or other personal property the District currently requires;

**WHEREAS**, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

**WHEREAS**, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

**WHEREAS**, the Board has determined that it is in the best interest of the District to authorize the purchase of Daisy brand premium printer toner and printer ink through the piggyback contract procured by the San Bernardino County ePro Contract 178637.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of Daisy brand premium printer toner and printer ink through the piggyback contract originally procured by the San Bernardino County ePro Contract 178637 is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of Daisy brand premium printer toner and printer ink in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the San Bernardino County ePro Contract 178637.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of July 1, 2016, for the term ending June 30, 2019.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

---

Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**Chino Valley Unified School District  
Resolution 2017/2018-12  
Authorization to Utilize the Fontana Unified School District Bid No. 15/16-1444  
With Southern California Pizza Co. (Pizza Hut)  
to Purchase Pizza Delivered and Ready to Serve  
Through the Piggyback Contract**

**WHEREAS**, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure pizza delivered and ready to serve for the District;

**WHEREAS**, Fontana Unified School District currently has a piggyback contract, Bid No. 15/16-1444, in accordance with Public Contract Code 20118 with Southern California Pizza Co. (Pizza Hut) that contains the materials, supplies, equipment and/or other personal property the District currently requires;

**WHEREAS**, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

**WHEREAS**, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

**WHEREAS**, the Board has determined that it is in the best interest of the District to authorize the purchase of pizza delivered and ready to serve through the piggyback contract procured by the Fontana Unified School District Bid No. 15/16-1444.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of pizza delivered and ready to serve through the piggyback contract originally procured by the Fontana Unified School District Bid No. 15/16-1444 is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of pizza delivered and ready to serve in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the Fontana Unified School District Bid No. 15/16-1444.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of July 1, 2017, for the term ending June 30, 2018.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

---

Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**Chino Valley Unified School District  
Resolution 2017/2018-13  
Authorization to Utilize the San Bernardino County AGENCY17-PURC-2378  
With Merit Oil  
to Purchase Gasoline and Diesel Fuel  
Through the Piggyback Contract**

**WHEREAS**, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure gasoline and diesel fuel for the District;

**WHEREAS**, San Bernardino County currently has a piggyback contract, AGENCY17-PURC-2378, in accordance with Public Contract Code 20118 with Merit Oil that contains the materials, supplies, equipment and/or other personal property the District currently requires;

**WHEREAS**, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

**WHEREAS**, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

**WHEREAS**, the Board has determined that it is in the best interest of the District to authorize the purchase of gasoline and diesel fuel through the piggyback contract procured by the San Bernardino County AGENCY17-PURC-2378.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of gasoline and diesel fuel through the piggyback contract originally procured by the San Bernardino County AGENCY17-PURC-2378 is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.



Section 3. Authorization. The Board hereby authorizes the acquisition of gasoline and diesel fuel in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the San Bernardino County AGENCY17-PURC-2378.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of June 15, 2017, for the term ending June 14, 2022.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

---

Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: CUPCAA BID NO. 17-18-04, WALNUT ES PLAYGROUND EQUIPMENT INSTALL**

=====

**BACKGROUND**

Pursuant to Public Contract Code 22032(b) public projects in the amount of \$175,000.00 or less can use informal bidding procedures as defined by the Uniform Public Construction Cost Accounting Act.

A Notice to Contractors Calling for Bids for Bid No. 17-18-04, Walnut ES Playground Equipment Install, was emailed on July 19, 2017, to contractors currently listed on the 2017 list of qualified contractors. Bids were opened at 1:00 p.m. on Monday, July 31, 2017. The results are as follows:

<b>Contractor</b>	<b>Base Bid Amount</b>
Single Source Construction	\$118,000.00

The base bid scope of work for this project includes demo of existing playground, installation of new playground equipment, curb, poured in place rubber safety surface, installation of synthetic turf, seal coat of existing asphalt, asphalt restriping, install vinyl privacy slates around septic tank chain link enclosure.

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

**RECOMMENDATION**

It is recommended the Board of Education award CUPCAA Bid No. 17-18-04, Walnut ES Playground Equipment Install to Single Source Construction.

**FISCAL IMPACT**

\$118,000.00 to Medi-Cal Fund 01.

WMJ:GJS:AGH:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: CUPCCAA BID NO. 17-18-05, AYALA HS ASPHALT REPAIR**

=====

**BACKGROUND**

Pursuant to Public Contract Code 22032(b) public projects in the amount of \$175,000.00 or less can use informal bidding procedures as defined by the Uniform Public Construction Cost Accounting Act.

A Notice to Contractors Calling for Bids for Bid No. 17-18-05, Ayala High School Asphalt Repair, was emailed on July 19, 2017, to contractors currently listed on the 2017 list of qualified contractors. Bids were opened at 1:30 p.m. on Monday, July 31, 2017. The results are as follows:

<b>Contractor</b>	<b>Base Bid Amount</b>
Premier Paving, Inc.	\$164,000.00
Single Source Construction	\$256,000.00

The base bid scope of work for this project includes asphalt repair at various points on the school campus, including football stadium home-side bleacher area, student and staff parking lots, and roundabout.

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

**RECOMMENDATION**

It is recommended the Board of Education award CUPCCAA Bid No.17-18-05, Ayala HS Asphalt Repair to Premier Paving, Inc.

**FISCAL IMPACT**

\$164,000.00 to Deferred Maintenance Fund 14.

WMJ:GJS:AGH:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
Anna G. Hamilton, Director, Purchasing  
**SUBJECT: CUPCAA BID NO. 17-18-06, CATTLE ES ASPHALT REPAIR**

=====

**BACKGROUND**

Pursuant to Public Contract Code 22032(b) public projects in the amount of \$175,000.00 or less can use informal bidding procedures as defined by the Uniform Public Construction Cost Accounting Act.

A Notice to Contractors Calling for Bids for Bid No. 17-18-06, Cattle ES Asphalt Repair, was emailed on July 19, 2017, to contractors currently listed on the 2017 list of qualified contractors. Bids were opened at 2:00 p.m. on Monday, July 31, 2017. The results are as follows:

<b>Contractor</b>	<b>Base Bid Amount</b>
Premier Paving, Inc.	\$87,800.00
Mission Paving & Sealing, Inc.	\$174,600.00
Single Source Construction	\$191,000.00

The base bid scope of work for this project includes asphalt repair at various points on the school campus, including bus pick-up and drop-off, parking lot, and playground.

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

**RECOMMENDATION**

It is recommended the Board of Education award CUPCAA Bid No. 17-18-06, Cattle ES Asphalt Repair to Premier Paving, Inc.

**FISCAL IMPACT**

\$87,800.00 to Deferred Maintenance Fund 14.

WMJ:GJS:AGH:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017

**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>
CC2017-05	Repair Playground Equipment at Various Sites	J2 Builders	\$50,875.00	N/A	\$50,875.00	01
CC2017-23	Solar Remediation at Various Sites	WCCR Construction	\$166,542.00	\$16,060.00	\$182,602.00	25
CC2017-28	Bleacher and Backstop Repairs at Various Sites	BSN Sports LLC	\$22,256.97	N/A	\$22,256.97	01
CC2017-32	Portable Classroom Building Renovation at Don Lugo HS	Angelo Construction	\$140,088.00	N/A	\$140,088.00	01
CC2017-38	Furniture Fabrication at Don Lugo HS	David M. Bertino Mfg. Inc.	\$41,077.00	N/A	\$41,077.00	01
CC2017-39	Renovation of Fun Club Portable Building at Rolling Ridge ES	Angelo Construction	\$89,700.00	N/A	\$89,700.00	01

<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>
CC2017-40	Installation of Data Cabling and Projection System at Don Lugo HS	Apple Valley Communications Inc.	\$20,779.82	N/A	\$20,779.82	01
CC2017-43	Exterior Painting at Various Sites	Omega Construction Co., Inc.	\$128,300.00	N/A	\$128,300.00	14
CC2017-44	Resurfacing of Gym Floors at Various Sites	Champion Hardwood Floors	\$55,803.00	\$6,256.00	\$62,059.00	25

Documentation indicating satisfactory completion and compliance with specifications has been obtained from school site administrators; James Costa, Construction Coordinator; Sam Sousa, Supervisor; and Martin Silveira, Director, Maintenance, Operations, and Construction.

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**

\$22,256.97 to RMA Fund 01.  
 \$342,519.82 to General Fund 01.  
 \$128,300.00 Deferred Maintenance Fund 14.  
 \$182,602.00 to Capital Facilities Fund 25.  
 \$62,059.00 to Tax A Fund 25.

WMJ:GJS:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

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**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
**SUBJECT:** **LICENSE AGREEMENT WITH SOUTHGATE ENGINEERING INC.,  
FOR ACCESS TO AND TEMPORARY STORAGE OF COMPLETED  
CUSTOM FABRICATED PRESSURE VESSELS IN THE YORBA  
AVENUE MATERIALS YARD**

=====

**BACKGROUND**

Southgate Engineering Inc., located directly across the street from the District's Yorba Avenue Materials Storage Yard, has requested permission to temporarily store completed, custom fabricated pressure vessels in the Yorba Avenue materials yard.

The month to month 18 month license agreement will allow this access and ensure that the District's interests are protected.

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

**RECOMMENDATION**

It is recommended the Board of Education approve the License Agreement with Southgate Engineering, Inc. for Access to and Temporary Storage of Completed Custom Fabricated Pressure Vessels in the Yorba Avenue Materials Yard.

**FISCAL IMPACT**

General Fund Income of up to \$36,000.00.

WMJ:GJS:pw

## **LICENSE AGREEMENT**

THIS LICENSE AGREEMENT ("License") dated as of August 18, 2017 (the "Effective Date"), is between the Chino Valley Unified School District ("Licensor) whose address is 5130 Riverside Drive, Chino, California 91710, and Southgate Engineering, Inc. ("Licensee") whose address is 13477 Yorba Avenue, Chino, CA 91710, each individually referred to as "Party" and collectively referred to as "Parties".

The Parties hereto agree as follows:

### **1. Premises.**

(a) Licensor owns that certain property located on the west side of Yorba Avenue (midway between Chino Avenue and Schaefer Avenue), Chino, California 91710 comprising approximately 608,000 square feet, which is commonly known as the Yorba Property Material Yard (the "Property"), together with the immediately adjoining access driveway running from Yorba Avenue to the Property (the "Access Driveway/Gate").

(b) Licensee desires to utilize the Access Driveway/Gate for ingress and egress to the Property to utilize the southern portion of the property as outlined in red in Exhibit 1, (approximately 235,000 square feet) for use as a temporary storage yard for its custom fabricated pressure vessels.

(c) Subject to the following terms and conditions, Licensor grants permission to Licensee to use the Access Driveway/Gate and Property, as more particularly described/depicted on Exhibit "A" attached hereto and by this reference incorporated herein, for a temporary storage yard for its custom fabricated pressure vessels (collectively referred to as the "Premises").

### **2. Use.**

(a) Licensor grants (i) a non-exclusive license to Licensee to use the Access Driveway/Gate for ingress and egress to the Property, and (ii) an exclusive license to use the Property as a temporary storage yard for its custom fabricated pressure vessels.

(b) Licensee's use of the Access Driveway/Gate and Property is restricted to Monday through Saturday between the hours of 6:00 a.m. and 8:00 p.m.

(c) Licensee covenants and agrees that its use of the Premises shall not interfere with or disrupt the access to and/or operations of Licensor's adjacent Buena Vista Continuation High School, or materials storage yard.

**3. Condition Precedent.** Licensee's use of the Premises under this License shall be conditioned on the following:

(a) Licensee shall provide Licensor with proof that Licensee has all governmental approvals and permits to enable Licensee to utilize the Access Driveway/Gate and Property.



**(b)** In the event Licensee does not satisfy the conditions precedent or Licensee notifies Licensor that the aforementioned conditions precedent will not be satisfied, this License shall be of no force or effect.

**4. Term.** The term of this License ("Term") shall be month to month for a period of eighteen (18) months commencing on August 18, 2017, (the "Commencement Date") and continuing through February 18, 2019, unless sooner terminated as provided for in Paragraph 9 below.

**5. Rent.**

**(a)** In consideration hereof, Licensee agrees to pay to Licensor, for the Term of the License, rent for the Premises in the amount of \$2,000 per month ("Rent").

**(b)** Upon execution of this agreement, Licensee agrees to payment of first and last month's rent payment (\$4,000)

**(c)** The Rent, shall be paid to Licensor on or before the first day of each calendar month the License is in effect. In the event that the Term commences on a day other than the first day of a calendar month or ends on a day other than the last day of a calendar month, then the Rent and Utilities payment for the first and last fractional months of the Term shall be prorated appropriately.

**6. Condition of Premises.** Licensee represents and warrants that as of the Effective Date of this License, that Licensee has made a thorough and complete inspection of the Premises, including all improvements located thereon, and finds all such improvements and equipment to be in good and sanitary order, repair, and condition, Licensee hereby accepts the Premises in their present condition and, except as otherwise may be set forth herein, without representation or warranty by Licensor as to the condition of such Premises or as to the use of occupancy which may be made thereof.

**7. Alterations.**

**(a)** Prior to the Commencement Date of the License, Licensor, at its sole cost and expense, shall cause the work described in subparagraph (i) below (collectively, the "Licensor's Work") to be completed:

**(i)** provide adequate chain for Licensee to install its own padlock on the access gate, locked, lock-to-lock with Licensor's padlock.

**(b)** Licensee, at its own cost and with the written approval of Licensor, and subject to the compliance with any and all applicable governmental and/or regulatory approvals, permits and/or licenses, shall be authorized to:

**(i)** install temporary fencing as needed to secure stored pressure vessels within the perimeter of inner storage area.

**(c)** Except as provided in Paragraph 7(b), Licensee shall not make or allow any alterations, additions, or improvements to the Premises or any part of the Premises (collectively, the "Alterations"), without Licensor's prior written consent, which consent may be withheld at Licensor's complete discretion. Licensee shall bear the cost of restoring the Premises to their condition prior to the installation of the Alterations. All Alterations shall be done in a good and workmanlike manner, in conformity with all

applicable laws and regulations, and by a contractor reasonably approved by Licensor. Upon completion of any such work, Licensee shall provide Licensor with "as built" plans, copies of all construction contracts, and proof of payment for all labor and materials.

(d) Licensee shall pay when due all claims for labor and material furnished to the Premises. Licensee shall give Licensor at least twenty (20) days' prior written notice of the commencement of any work on the Premises, regardless of whether Licensor's consent to such work is required. Licensor may elect to record and post notices of non-responsibility on the Property.

**8. Taxes.** Licensee shall be responsible for, and agrees to pay prior to delinquency, any and all taxes, assessments, levies, fees and other governmental charges of every kind or nature (hereinafter, collectively called "taxes") which are levied or assessed by any municipal, county, state, federal or other taxing or assessing authority upon, against or with respect to Licensee's use of the Premises.

**9. Termination.**

(a) This License may be terminated without further liability on thirty (30) days' prior written notice as follows: (i) if Licensee fails to make any payment required by the provisions of this License, when due; (ii) by either Party upon a default of any covenant, condition, or term hereof by the other Party, which default is not cured within thirty (30) days of receipt of written notice of default; (iii) if the conditions precedent set forth in Paragraph 3 have not been satisfied; or (iv) by Licensee if Licensee is unable to occupy or utilize the Premises due to ruling or directive of a governmental or regulatory agency.

(b) In addition to the bases for termination set forth above, Licensor shall have the right to terminate this License at any time for any or no reason upon sixty (60) days' prior written notice to Licensee.

**10. Insurance.**

(a) Licensee shall maintain the following insurance: (1) Commercial General Liability with limits of \$1,000,000.00 per occurrence, (2) Automobile Liability with a combined single limit of \$1,000,000.00 per accident, (3) Workers' Compensation as required by law, and (4) Employer's Liability with limits of \$1,000,000.00 per occurrence.

(b) Licensee shall have the right to self-insure with respect to any of the above insurance.

**11. Sale or Transfer.** Should Licensor, at any time during the Term of this License, sell, transfer or otherwise convey all or any part of the Property to any transferee, this License and all rights hereunder shall automatically terminate upon the consummation of such transfer.

**12. Maintenance, Utilities and Repairs.**

(a) Licensee shall be responsible for maintaining the Premises in a clean, sanitary and neat condition and in good order and repair, ordinary wear and tear excepted.

**13. Indemnification.** Each party hereby indemnifies the other and the other's partners, affiliates, agents and employees against and holds the other and all such persons and entities harmless from any and all costs (including reasonable attorney's

fees and costs) and claims of liability for or loss from personal injury and/or property damage to the extent such claims result from or arise out of the indemnifying party's actions or inactions related to this License. Notwithstanding the preceding, the provisions of this Paragraph shall not apply to any claim arising from or in connection with any negligent or intentional conduct of the indemnified party or of any agent, employee, contractor or invitee of such party.

**14. Miscellaneous.**

**(a) Severability.** If any provision of the License is invalid or unenforceable with respect to any party, the remainder of this License or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this License shall be valid and enforceable to the fullest extent permitted by law.

**(b) Successors and Assigns.** This License shall be binding on and inure to the benefit of the successors and permitted assignees of the respective Parties.

**(c) Notice.** Any notice or demand required to be given herein shall be made by certified or registered mail, return receipt requested, confirmed fax, or reliable overnight mail to the address of the respective Parties set forth below:

Licensee: Southgate Engineering, Inc.  
13477 Yorba Avenue  
Chino, CA 91710  
Attn: William Paolino

Licensor: Chino Valley Unified School District  
5130 Riverside Drive  
Chino, CA 91710-4130  
Attn: Gregory J. Stachura  
Asst. Supt., Facilities, Planning, and Operations

Licensor or Licensee may from time to time designate any other address for this purpose by written notice to the other Party.

**(d) Governing Law.** This License shall be governed and construed in accordance with the laws of the State of California. The Parties stipulate that any action brought hereunder or in connection herewith shall be brought in the County of San Bernardino.

**(e) Waiver.** The waiver by Licensor or Licensee of any agreement, condition, or provision herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other agreement, condition, or provision herein contained, nor shall any custom or practice that may develop between the parties in the administration of the terms hereof be construed to waive or to lessen the right of Licensor or Licensee to insist upon the performance by Licensee or Licensor in strict accordance with said terms.

**(f) Day.** Whenever reference is made to "day" or "days" in this License, all such references shall refer to calendar days unless otherwise specifically stated.

(g) Survival. Terms and conditions of this License which by their sense and context survive the termination, cancellation or expiration of this License will so survive.

(h) Counterparts. This License may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute but one and the same document.

(i) Entire Agreement. This License constitutes the entire License and understanding between the Parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein.

(j) Amendment. Any modifications to this License must be in writing and executed by both Parties.

(k) Interpretation. This License shall be construed by a fair and reasonable interpretation of the words used without regard to which party drafted or cause to be drafted this License. The captions of the paragraphs of this License are for convenience only and do not limit any terms or provisions.

(l) Authority. All individuals executing this License represent that they are authorized to execute and deliver this License on behalf of the party for whom they execute it without any further action required by that party.

**IN WITNESS WHEREOF**, the Parties have executed this License as of the date first above written.

**LICENSOR:  
CHINO VALLEY UNIFIED  
SCHOOL DISTRICT**

**LICENSEE:  
SOUTHGATE ENGINEERING, INC.**

By: \_\_\_\_\_  
(signature)

By: \_\_\_\_\_  
(signature)

Name: Gregory J. Stachura  
(print or type)

Name: \_\_\_\_\_  
(print or type)

Title: Assistant Superintendent

Title: \_\_\_\_\_

Date signed: August 18, 2017

Date signed: \_\_\_\_\_

**Board Approved August 17, 2017**

# Exhibit A

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: RESOLUTION 2017/2018-09, AUTHORIZATION FOR ELIGIBILITY DETERMINATION, FUNDING AUTHORIZATION TO SIGN APPLICATIONS AND ASSOCIATED DOCUMENTS**

=====

**BACKGROUND**

The Chino Valley Unified School District has schools that qualify for modernization under the School Facilities program. To qualify for state funding on these projects, the Board of Education must authorize a resolution to determine eligibility, funding authorization, and approval of select District staff to sign applications and associated documents.

Adoption of this resolution will allow the District to proceed with modernization funding eligibility determination, funding authorization to sign applications and associated documents.

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

**RECOMMENDATION**

It is recommended the Board of Education adopt Resolution 2017/2018-09, Authorization for Eligibility Determination, Funding Authorization to Sign Applications and Associated Documents.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

**Chino Valley Unified School District  
Resolution 2017/2018-09  
Authorization for Eligibility Determination,  
Funding Authorization to Sign Applications and Associated Documents**

**WHEREAS**, the Chino Valley Unified School District intends to file applications for funding under the School Facilities Program (Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10 et. Seq., of the Education Code) as provided in Senate Bill 50; and

**WHEREAS**, a condition of processing the various applications under the School Facilities Program is a Resolution in support of those applications from the Chino Valley Unified School District Board of Education and signatures of the Chino Valley Unified School District Administration; and

**WHEREAS**, the Chino Valley Unified School District wishes to submit applications for eligibility determination and funding for programs including, but not limited to, modernization;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education of the Chino Valley Unified School District is in support of the above applications under the School Facilities Program and that the individuals identified below are authorized to sign all documents and papers associated with the applications for funding:

1. Wayne M. Joseph, Superintendent
2. Norm Enfield, Ed.D., Deputy Superintendent
3. Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

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Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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Humility • Civility • Service

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: RESOLUTION 2017/2018-15, ADOPTING NOTICE OF EXEMPTION  
FOR YORBA AVENUE MATERIALS STORAGE YARD LICENSE  
AGREEMENT**

=====

**BACKGROUND**

With the Board of Education’s approval, the District will enter into an agreement with Southgate Engineering Inc., to temporarily store custom fabricated pressure vessels in the southern portion of the District’s Yorba Avenue materials storage yard.

District legal counsel has provided an opinion and upon adoption of the subject resolution, the Board has determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) of 1974, as amended, pursuant to Title 14, sections 15303 and 15311 of the California Code of Regulations.

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

**RECOMMENDATION**

It is recommended the Board of Education adopt Resolution 2017/2018-15, Adopting Notice of Exemption for Yorba Avenue Materials Storage Yard License Agreement.

**FISCAL IMPACT**

None.

WMJ:GJS:pw



**Chino Valley Unified School District  
Resolution 2017/2018-15  
Adopting Notice of Exemption for Yorba Avenue Materials Storage Yard  
License Agreement**

**WHEREAS**, the Chino Valley Unified School District (“District”) owns the approximate 608,000 square feet of property commonly known as the Yorba Avenue Materials Yard, located on the west side of Yorba Avenue (midway between Chino Avenue and Schaefer Avenue), in the City of Chino, County of San Bernardino, State of California (“the Property”);

**WHEREAS**, on August 17, 2017, the District’s Board of Education (“Board”) approved entering into a License Agreement with Southgate Engineering Inc., (“Southgate”) to temporarily store custom fabricated pressure vessels on the southern portion of the “Property”;

**WHEREAS**, the Board has determined that the Project is categorically exempt from the provisions of the California Environmental Quality Act of 1974, as amended, pursuant to Title 14, sections 15303 and 15311 of the California Code of Regulations as the Project consists of “Southgate” temporarily storing completed, custom fabricated pressure vessels until they are shipped by “Southgate” to another location;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby finds, determines, and declares as follows:

**Section 1.** The Notice of Exemption attached hereto as Exhibit “A” and incorporated herein by reference is adopted.

**Section 2.** The Superintendent or his designee is hereby authorized and directed to cause the Notice of Exemption to be executed and timely filed with the Recorder-Clerk for San Bernardino County.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Chino Valley Unified School District this 17th day of August 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

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Wayne M. Joseph, Superintendent  
Secretary, Board of Education

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: CERTIFICATED/CLASSIFIED PERSONNEL ITEMS**

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**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:LF:SH: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>
<b><u>HIRED AT THE APPROPRIATE PLACEMENT ON THE CERTIFICATED MANAGEMENT SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2017/2018 SCHOOL YEAR</u></b>			
BAKER, Christine	Assistant Principal-HS	Ayala HS	07/24/2017
MOORE, Richard	Assistant Principal-HS	Chino Hills HS	07/25/2017
KIM, Colleen	School Psychologist	Special Education	08/18/2017

**RESIGNATION**

USHER, Michelle	Assistant Principal-JHS	Townsend JHS	07/21/2017
TAN, Raymond	Program Specialist	Special Education	08/17/2017

**HIRED AT THE APPROPRIATE PLACEMENT ON THE CERTIFICATED SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2017/2018 SCHOOL YEAR**

ZAVALA, Shellie	Elementary Teacher	Butterfield ES	08/09/2017
CHUNG, Liana	Elementary Teacher	Cattle ES	08/08/2017
GAYNOR-PEREZ, Jennifer	Elementary Teacher	Chaparral ES	08/08/2017
Newman, Jenna	Elementary Teacher	Chaparral ES	08/09/2017
ALANIS, Anthony	Elementary Teacher	Cortez ES	10/01/2017
FALLS, Jamie	Elementary Teacher	Cortez ES	08/08/2017
JAIME, Jessica	Intervention Teacher	Cortez ES	08/08/2017
LOGAN, Alyssa	Elementary Teacher	Eagle Canyon ES	08/08/2017
EDMISTEN, Joseph	Elementary Teacher	Marshall ES	08/08/2017
DWYER, Lyana	Elementary Teacher	Marshall ES	08/08/2017
WHITE, Kelcey	Elementary Teacher	Marshall ES	08/08/2017
YI, Jennifer	Elementary Teacher	Marshall ES	08/08/2017
BANKS, Lakesha	Elementary Teacher	Oak Ridge ES	08/08/2017
MARENCO, Sarah	Elementary Teacher	Rhodes	08/08/2017
ALVAREZ, Ashley	Elementary Teacher	Rolling Ridge ES	08/08/2017
BASHAM, Kaitlyn	Elementary Teacher	Walnut ES	08/08/2017
YEH, Jennifer	Elementary Teacher	Wickman ES	08/08/2017
CORDERO, Brian	Elementary Teacher	Cal Aero K-8	08/07/2017
SAVAGE, Lara	Intervention Teacher	Cal Aero K-8	07/31/2017
ABREGO, Serena	English Teacher	Canyon Hills JHS	08/08/2017
HERRERA, Katherine	Science Teacher	Magnolia JHS	08/08/2017
ADAMS-SINCLAIR, Teresa	Special Ed. Teacher	Ramona JHS	08/08/2017
SMITH, Allyson	Instructional Coach	Ramona JHS	08/18/2017
SORIA, Jessica	Science Teacher	Townsend JHS	08/08/2017

**CERTIFICATED PERSONNEL (cont.)**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
<b><u>HIRED AT THE APPROPRIATE PLACEMENT ON THE CERTIFICATED SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2017/2018 SCHOOL YEAR (cont.)</u></b>			
LINDSEY, Patrick	Science Teacher	Woodcrest JHS	08/09/2017
LEWIS, Desiree	Special Ed. Teacher	Ayala HS	08/08/2017
LONG, Eric	Health/PE Teacher	Ayala HS	08/08/2017
PANETO, Ikzury	Math Teacher	Buena Vista HS	08/08/2017
POLLARA, Todd	Intervention Counselor	Chino HS	08/18/2017
MEJIA, Amber	Science Teacher	Chino Hills HS	08/08/2017
FRANKLIN, Daniel	Special Ed. Teacher	Chino Hills HS	08/08/2017
MARSH, Nathalie	French Teacher	Don Lugo HS	08/08/2017
RAMIREZ, Humberto	Spanish Teacher	Don Lugo HS	08/08/2017
TORRES, Gerardo	K-12 Intervention Counselor	Special Education	08/18/2017
TOURTELOT, Grace	Special Ed. Teacher	Special Education	08/08/2017

**LEAVE OF ABSENCE**

RODRIGUEZ, Patricia	English Teacher	Chino HS	2017/2018
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**RESIGNATIONS**

ROGEL, Joseph	Special Ed. Teacher	Ramona JHS	07/31/2017
PADILLA, Sarai	Instructional Coach	Woodcrest JHS	07/19/2017
SILVER, Jazmine	Science Teacher	Woodcrest JHS	06/05/2017
CENICEROS, Jesus	Special Ed. Teacher	Chino HS	07/15/2017
LINENBERGER, Virginia	Special Ed. Teacher	Chino Hills HS	08/03/2017
LIU, Jamie	Mandarin Teacher	Chino Hills HS	08/03/2017

**APPOINTMENTS**

COTE, Thomas (NBM)	Wrestling (GF)	Townsend JHS	08/18/2017
JERECZEK, Richard (NBM)	Basketball (GF)	Townsend JHS	08/18/2017
DAVIDSON, Jacqueline (NBM)	Athletic Trainer (B)	Ayala HS	08/18/2017
DAVIDSON, Jacqueline (NBM)	Football (B)	Ayala HS	08/18/2017
IOSSIF, Italia (NBM)	Boys Water Polo (GF)	Ayala HS	08/18/2017
PEZZOLLA, Amber	Girls Water Polo (B)	Ayala HS	08/18/2017
ULLMANN, Matthew	Cross Country (B)	Ayala HS	08/18/2017
ANA, James (NBM)	Band (B)	Chino HS	08/18/2017
CORREIA, Joe (NBM)	Band (B)	Chino HS	08/18/2017
GOMEZ, Noe (NBM)	Band (B)	Chino HS	08/18/2017
HARTWELL, Matthew (NBM)	Band (B)	Chino HS	08/18/2017

**CERTIFICATED PERSONNEL (cont.)**

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
<b><u>APPOINTMENTS</u></b> (cont.)			
HERMAN, Steven (NBM)	Band (B)	Chino HS	08/18/2017
HUTSON, Lauren (NBM)	Band (B)	Chino HS	08/18/2017
KLAUDT, Jordan (NBM)	Band (B)	Chino HS	08/18/2017
LAGUMBAY, Emmanuel (NBM)	Band (B)	Chino HS	08/18/2017
REAL, Joseph (NBM)	Band (B)	Chino HS	08/18/2017
RESENDEZ, Eduardo (NBM)	Boys Soccer (B)	Chino HS	08/18/2017
VALENZUELA, Joseph (NBM)	Band (B)	Chino HS	08/18/2017
WUERTZ, Sarah (NBM)	Boys Water Polo (B)	Chino HS	08/18/2017
EICHMANN, Lauren (NBM)	Pep Squad (B)	Chino Hills HS	08/18/2017
JONES, Jeremiah (NBM)	Band (B)	Chino Hills HS	08/18/2017
SHOCKEY, Joshua (NBM)	Water Polo (B)	Chino Hills HS	08/18/2017
CASTANEDA, Joseph (NBM)	Wrestling (GF)	Don Lugo HS	08/18/2017
ODEN, Craig (NBM)	Football (B)	Don Lugo HS	08/18/2017
PINEDA, Alana (NBM)	Band (B)	Don Lugo HS	08/18/2017
		TOTAL:	\$9,873.00

**APPOINTMENT OF CERTIFICATED SUBSTITUTES EFFECTIVE JULY 1, 2017, THROUGH JUNE 30, 2018**

ACEVES, Jennifer	AGUILAR, Genisse	ALVO, Samantha
CARMONA, Alicia	CAVANAUGH, Lizette	CHEEVER, Jessica
COCKS, David	DEVILLEZ, Susan	DUPEE, Christopher
GISHWILLER, Thomas	LANGRELL, Jennifer	MOONAN, Lee
MOORE, Aubrey	MORENO, Nicholas	PEREIRA, Marie
PRESCOTT, Janet	PITASSI, Rozanna	RISDEN, John
SAVAGE, Michelle	SCHULTZ, Mary	ST. AMANT, Joni
UBOM, Kenneth	WALLACE, Richard	

**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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**HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED SALARY SCHEDULE****APPOINTMENT**

HARGROVE, Stephanie	IA/Elementary Physical Ed. (GF)	Butterfield Ranch ES /Eagle Canyon ES	08/18/2017
ESTRADA, Andrew	IA/Childhood Ed. (CDF)	Butterfield Ranch FC	08/18/2017
FAGUNDES, Helena	Nutrition Services Asst. I (NS)	Chaparral ES	08/18/2017
ROJAS, Michelle	IA/Childhood Ed. (CDF)	Country Springs FC	08/18/2017
TORRICO, Mayra	Bilingual Typist Clerk I (GF)	Dickey ES	08/18/2017
LOPEZ, Evelyn	IA/Childhood Ed. (CDF)	Hidden Trails FC	08/18/2017
ALLEN, Patti	Central Kitchen Asst. I (NS)	Ramona JHS	08/18/2017
MERCED, Audra	IA/Special Ed. (SELPA/GF)	Ramona JHS	08/18/2017
THURLO, David	Security Person (GF)	Chino HS	08/18/2017
CARRILLO, Paul	IA/Special Ed./SH (SELPA/GF)	Don Lugo HS	08/18/2017
ALMENDAREZ, Devyn	IA/Special Ed. (SELPA/GF)	Don Lugo HS	08/18/2017
DAVIDSON, Jacqueline	Athletic Trainer (GF)	Ayala HS	08/09/2017
SOLIS, Bertha	Typist Clerk I (ESLC/ADLTCALW)	Adult School	08/21/2017
RODRIGUEZ, Koreena	Grant Prog. Support Spec. (C)	Health Services	08/21/2017
ALDAMA, Yesenia	Bus Driver (GF)	Transportation	08/10/2017
GARCIA, Amanda	Bus Driver (GF)	Transportation	08/10/2017
GARCIA BLANKENSHIP, Stephanie	Bus Driver (GF)	Transportation	08/10/2017
GIBBS, Erika	Account Clerk II (GF)	Transportation	08/18/2017

**RE-HIRED FROM 39 MONTH RE-EMPLOYMENT LIST**

WIEBELT, Heidi	IA/Computer Asst. (C)	Liberty ES	08/18/2017
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**ADDITIONAL ASSIGNMENT**

CASTILLO, Monika	Custodian I (GF)	Student Support	08/18/2017
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**PROMOTION**

WEBER, Kimberly	FROM: IA/Elementary (C) 4 hrs./125 work days TO: Career Center Guidance Tech. (ROP) 6 hrs./187 work days	Walnut ES Chino Hills HS	08/18/2017
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**CLASSIFIED PERSONNEL** (cont.)

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>LOCATION</u></b>	<b><u>EFFECTIVE DATE</u></b>
<b><u>INCREASE HOURS/DAYS</u></b>			
FRITZ, Elaine	FROM: IA/Secondary (C) 4.42 hrs./179 work days TO: IA/Secondary (C) 5.0 hrs./217 work days	Boys Republic HS Boys Republic HS	08/18/2017
JIMENEZ, Eva	FROM: IA/Secondary (C) 4.72 hrs./179 work days TO: IA/Secondary (C) 5.0 hrs./217 work days	Boys Republic HS Boys Republic HS	08/18/2017
PRANATA, Christine	FROM: IA/Secondary (C) 4.5 hrs./179 work days TO: IA/Secondary (C) 5.0 hrs./217 work days	Boys Republic HS Boys Republic HS	08/18/2017
YAMANO, Elaine	FROM: IA/Secondary (C) 4.42 hrs./179 work days TO: IA/Secondary (C) 5.0 hrs./217 work days	Boys Republic HS Boys Republic HS	08/18/2017
<b><u>CHANGE IN ASSIGNMENT</u></b>			
VOSS, Dawn	FROM: Typist Clerk II (GF) 8 hrs./201 work days TO: Elementary Library Media Center Asst. (GF) 3.5 hrs./131 work days	Liberty ES Liberty ES	08/18/2017
ARAMBULA, Rossana	FROM: IA/Childhood Ed. (CDF) 3.5 hrs./180 work days TO: IA/Special Ed. (SELPA/GF) 5.0 hrs./181 work days	Buena Vista Infant Toddler Center Dickey ES	08/18/2017
<b><u>LEAVE OF ABSENCE</u></b>			
MISQUEZ, Sherry	Nutrition Services Asst. I (NS)	Hidden Trails ES	08/11/2017 through 02/19/2018

**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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**LEAVE OF ABSENCE** (cont.)

PROUDFIT, Stephanie	IA/SPED/SH (SELPA/GF)	Ayala HS	08/14/2017 through 09/15/2017
MONAGHAN, Rosemary	IA/SPED/RSP (SELPA/GF)	Don Lugo HS	08/14/2017 through 01/02/2018

**RESIGNATION**

DE LA CRUZ, Johnathan	IA/Childhood Ed. (CDF)	Dickey ES-SOAR	08/13/2017
MAZA, Daniel	Typist Clerk II (GF)	Glenmeade ES	07/28/2017
LOPEZ, Kristin	IA/Special Ed. (SELPA/GF)	Don Lugo HS	07/18/2017
LOPEZ, Kristin	IA/Childhood Ed. (CDF)	Country Springs FC	07/18/2017
SNYDER, Ryan	Child Care Specialist (CDF)	Children's Center	08/04/2017
CHEN, Yi Ping	Accountant II (NS)	Nutrition Services	08/16/2017

**RETIREMENT**

CARTER, Jane (29 years of service)	Nutrition Services Mgr. I (NS)	Chaparral ES	07/01/2017
PRACHT, Chris (27 years of service)	Maintenance III - Electrician (GF)	Maintenance	09/30/2017

**APPOINTMENT OF SHORT TERM EMPLOYEES EFFECTIVE JULY 1, 2017, THROUGH DECEMBER 31, 2017**

HARGROVE, Stephanie	IA/Special Ed./SH	Borba ES
SKRIPKO, Mary	IA/Special Ed./SH	Chaparral ES
WILLIAMS, Janelle	IA/Special Ed./SH	Country Springs ES
DUNN, Clara	IA/Special Ed./Collaborative	Eagle Canyon ES
CUMMINS, Elidia	IA/Special Ed./SH	Liberty ES
SOSA, Xochitl	IA/Special Ed./SH	Cal Aero K-8
BOISELLE, Michelle	IA/Special Ed./SH	Townsend JHS
RENDON, Griselda	IA/Special Ed./SH	Woodcrest JHS
SOLIS, Bertha	IA/Special Ed./SH	Woodcrest JHS



**CLASSIFIED PERSONNEL** (cont.)

**APPOINTMENT OF CLASSIFIED SUBSTITUTES EFFECTIVE JULY 1, 2017, THROUGH  
JUNE 30, 2018**

AGUILAR, Jianna	BAEZA, Mario	BANKS, Lisette
CRONIN, Lissett	DAIS, Shari	DE LA TORRE, Felissa
EVANS, Justin	FERREIRA, Christina	FLUM, Mary Lou
GARCIA GALLARZO, Mary	GUADAMUZ, Jeannine	HOLENDOR, Ambar
KIDDER, Julie	LOPEZ, Stephanie	MARTINEZ, Alex
MARTINEZ, Vanessa	MORITZ, Mary	MUNOZ, Andrew
MUNOZ, Veronica	PENA, Michal	PUCKETT-CALLACI, Linda
PUENTE, Ellie	ROMERO, Julie	ROSAS, Hilda
RUMBAUGH, Shawna	SCHMIDT, Karen	SOTELO, Nicole Lauren
THEDFORD, Christine	VALDEZ, Kristen	WHEELER, Brandon

(504) = Federal Law for Individuals with Handicaps  
(ACE) = Ace Driving School  
(ABG) = Adult Education Block Grant  
(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:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: REVISION OF THE JOB DESCRIPTION FOR BEHAVIOR INTERVENTION SPECIALIST**

=====

**BACKGROUND**

Job descriptions are a statement of duties, qualifications, and responsibilities associated with a particular job. This job description is being revised to correct the incorrect range listed. The range listed is 29 but should be noted as 29A.

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 the job description for Behavior Intervention Specialist.

**FISCAL IMPACT**

None.

WMJ:LF:SH:RR:mcm

**CHINO VALLEY UNIFIED SCHOOL  
DISTRICT  
Position Description**

---

**TITLE:** Behavior Intervention Specialist

**REPORTS:** Behavior Intervention Coordinator

**DEPARTMENT:** Special Education

**CLASSIFICATION:** Classified Management

**FLSA:** Exempt

**WORK YEAR:** 220

**ISSUED:** August 15, 2013

**SALARY:** Range 29A

---

**BASIC FUNCTIONS:**

Under the supervision of the Director of Special Education and the direction of the Coordinator of the Behavior Intervention Program or designee, plans and provides behavior management programs and implements positive behavioral interventions for pupils, classrooms, and school sites, as well as related services to teachers, administrators, other special education staff, parents, and the community, as appropriate. The employee in this classification trains and monitors the paraprofessionals (behavior support aides) who work with students with behavior plans.

**REPRESENTATIVE DUTIES:**

Incumbent may perform any combination of the essential functions shown below. This position description is not intended to be an exhaustive list of all duties, knowledge, or abilities associated with this classification, but are intended to accurately reflect the principle job elements.

**E = ESSENTIAL FUNCTIONS MINIMUM REQUIREMENTS:**

Performs a variety of professional activities involved in the observation, assessment and identification of behavioral needs among referred and identified students with disabilities. **(E)**

Develops and implements strategies for positive student behavior management. **(E)**

Provides consultation, training and technical assistance to families, educators, and others concerning behavioral issues and problems. **(E)**

Attends/participates in Individual Education Plan (IEP) meetings and various other meetings concerning students with special needs; collaborates with parents, school staff and administrators in the development and implementation of IEPs, Behavior Support Plans (BSP's), and Behavior Intervention Plans (BIP's) as required. **(E)**

Responsible for the ongoing training and support of behavior support aides and other school personnel.

Assist in assuring educational activities for identified students.

Comply with established standards, requirements, laws, codes, regulations, policies, and procedures.

Performs other related duties as assigned.

**EDUCATION, EXPERIENCE, LICENSES, AND OTHER REQUIREMENTS:**

A Master's degree in Psychology, Behavior Psychology, counseling, or related field.

Board Certified Behavior Analyst (BCBA) or documented evidence of equivalent education, professional training, and/or experience in Applied Behavior Analysis (ABA) leading to a BCBA certification.

Preferred current nonviolent crisis intervention (CPI) trained.

A valid California class c driver's license, a good driving record and the ability to maintain insurability under the District's vehicle insurance policy.

**KNOWLEDGE AND ABILITIES: KNOWLEDGE OF:**

- Federal, state and local regulations including legislation relating to general education, special education, confidentiality, school records, attendance, program eligibility and suspension/expulsion.
- Applicable and appropriate psychological and achievement appraisal instruments, techniques and procedures.
- Behavior interventions, functional behavior assessments, and/or crisis interventions.
- Developmental, social/emotional and behavioral characteristics of pre-school and school age students.
- Computer programs applicable to assessments.

**ABILITY TO:**

- Implement and support behavioral management programs.
- Train and supervise staff.
- Interact effectively with parents and children of diverse backgrounds and experiences.
- Effectively deal with site and District personnel, social services, and other agencies in resolving student problems and concerns.
- Communicate effectively in oral and written form, ensuring understandable and thorough communication.
- Understand and carry out oral and written directions with minimal accountability controls.
- Establish and maintain effective organizational, public, and community relationships.
- Operate computer and computer programs.

**WORKING CONDITIONS:**

**ENVIRONMENT:**

- District office environment and school sites.
- Demanding timelines.
- Must have valid California driver's license and automobile available for use.
- Subject to driving to a variety of locations to work during day and evening hours.

- Subject to frequent interruptions and extensive contact with students, staff, parents and the public.
- Indoor and outdoor environment.

**PHYSICAL DEMANDS:**

- Bending at the waist, kneeling or crouching, and reaching to retrieve and maintain files and records.
- Reaching overhead, above the shoulders, and horizontally.
- Dexterity of hands and fingers to operate standard office equipment, computer keyboard, and other equipment necessary to complete the required duties.
- Hearing and speaking to exchange information in person and on the telephone.
- Visual ability to read, and to prepare/process documents and to monitor various services and personnel.
- Sitting for extended periods.
- Standing for extended periods.
- Walking over rough or uneven surfaces.
- Climbing, occasional use of stepladders.
- Physical activity may be required, which could include moderate lifting.
- Ability to appropriately conduct Crisis Prevention Intervention (CPI).

**HAZARDS:**

- Extended viewing of computer monitor.
- Working around and with office equipment having moving parts.
- Subject to driving to a variety of locations to conduct work during day and evening hours.

**FUNDING:**

Continuity of this position is based on continued availability of funding.

I have read the above position description and fully understand the requirements set forth therein. I hereby accept the position of Behavior Intervention Specialist and agree to abide by the requirements and duties set forth. I will perform all duties and responsibilities to the best of my ability.

\_\_\_\_\_  
**(Signature of Employee)**

\_\_\_\_\_  
**(Date)**

In compliance with the Americans with Disabilities Act, the Chino Valley Unified School District will provide reasonable accommodations to qualified individuals with disabilities, and encourage both prospective and current employees to discuss potential accommodations with the Division of Human Resources.

Board approved: August 15, 2013  
 REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: REVISION OF BOARD POLICY 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 1312.3 Community Relations – Uniform Complaint Procedures are being revised to clarify the annual notifications and complaint filing requirements. Also, to provide for equitable treatment of the respondent to a complaint and to reflect programs that must be investigated. This item was presented to the Board of Education on July 20, 2017, 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 Policy 1312.3 Community Relations – Uniform Complaint Procedures.

**FISCAL IMPACT**

None.

WMJ:LF:SH: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, 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, PREGNANCY, 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. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

**UNIFORM COMPLAINT PROCEDURES (cont.)**

3. Any complaint alleging District noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus TO EXPRESS BREAST MILK, BREASTFEED AN INFANT CHILD, or to address OTHER breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging District noncompliance with 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)

5. Any complaint alleging 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 complaint, 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 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)



**UNIFORM COMPLAINT PROCEDURES (cont.)**

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)

(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)

**UNIFORM COMPLAINT PROCEDURES (cont.)**

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.

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

**UNIFORM COMPLAINT PROCEDURES (cont.)**

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  
 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

**UNIFORM COMPLAINT PROCEDURES (cont.)**

**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

Revised: June 13, 2013

Revised: September 5, 2013

Revised: October 2, 2014

Revised: August 13, 2015

Revised: November 5, 2015

Revised: September 15, 2016

REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT  
**Our Motto:**  
Student Achievement • Safe Schools • Positive School Climate  
Humility • Civility • Service

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Lea Fellows, Assistant Superintendent, Human Resources  
Suzanne Hernandez, Ed.D., Director, Human Resources  
Richard Rideout, Director, Human Resources  
**SUBJECT: INTERNSHIP AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, LOS ANGELES**

=====  
**BACKGROUND**

Internship agreements provide a high quality of learning, support and practical classroom experience for professionals in training. The Chino Valley Unified School District has an opportunity to establish internship agreement with California State University, Los Angeles.

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

**RECOMMENDATION**

It is recommended the Board of Education approve the internship agreement with California State University, Los Angeles.

**FISCAL IMPACT**

None.

WMJ:LF:SH:RR:mcm

## INTERNSHIP AGREEMENT with California State University, Los Angeles

This agreement is written to express our support and willingness to participate in the (Mild/Moderate, Moderate/Severe, Physical and Health Impairments, Visual Impairments and Early Childhood Special Education) Intern Credential program in the Charter College of Education at California State University, Los Angeles. I have had an opportunity to review the content of your program and, in the event that we employ a teacher with an Intern Credential, stipulate to the following as required by the California Commission on Teacher Credentialing:

1. We will supervise and support the Intern(s)
2. We will provide a mentor/support provider for the intern who:
  - a. Possesses a Level II, Clear or Life credential in the special education area in which the intern is teaching
  - b. Has a minimum of 3 years successful teaching experience
  - c. Has English Language Authorization (ELA)
3. To meet the 144 hours of required support and supervision, CSULA will provide a minimum of 2 hours of support and supervision each week (60 hours annually). We will ensure that the intern receives at least 84 hours of mentor/support from their support provider per year to meet the remaining required hours.
  - a. For those interns who do not already have English Language Authorization from a California credential or a passing score on an exam such as the CETL, we will ensure that they receive an additional 45 hours of support per year related to working with English Language Learners.
4. We will ensure that sufficient resources are provided, including the identification of protected time, for the employer-provided mentor to work with the intern within the school day.
5. The District will not displace certificated employees through the use of any intern.
6. The District's rationale for implementing and participating in the CSULA Intern Credential program is to provide appropriately trained personnel to meet the credential needs of the students within the district. The school has on file a statement regarding its inability to fill the necessary positions with qualified certified employees for which this intern credential is being implemented. (The exclusive representative of the certificated employees in the credential area, for which this intern agreement is directed, agrees with the justification noted above).
7. The District will make every effort to ensure that if the intern is placed in a high priority school (Deciles 1, 2 or 3) that the percentage of teacher interns in that school is not higher than the district wide average of teacher interns at a school in that year.

Name: District Level Administrator

Name: Exclusive Representative of  
Certified Employees

---

Lea Fellows  
Assistant Superintendent, Human Resources

---

Signature

Chino Valley Unified School District  
5130 Riverside Drive  
Chino, CA 91710

---

Name

---

Title:

Charter College of Education  
California State University,  
Los Angeles  
5151 State University Drive  
Los Angeles, CA 90032

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

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

**SUBJECT: INTERNSHIP AGREEMENT WITH LOYOLA MARYMOUNT UNIVERSITY**

=====

**BACKGROUND**

Internship agreements provide a high quality of learning, support and practical classroom experience for professionals in training. The Chino Valley Unified School District has an opportunity to establish internship agreement with Loyola Marymount University.

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

**RECOMMENDATION**

It is recommended the Board of Education approve the internship agreement with Loyola Marymount University.

**FISCAL IMPACT**

None.

WMJ:LF:SH:RR:mcm



**Loyola Marymount University**  
**Teacher Education Intern Credential Program**  
*[Multiple, Single Subject, Education Specialist (mild/moderate),  
Administrative Services Credentials and Bilingual Authorization]*  
**and**  
**Chino Valley Unified School District**  
**Participating School District Intern Agreement**  
**Memo of Understanding**

**Purpose:** The California Commission on Teacher Credentialing's *Standards of Quality and Effectiveness for Multiple, Single Subject, Education Specialist (mild/moderate), Administrative Services and BCLAD Emphasis Credentials* stipulated conditions under which teacher credentialing institutions must abide to be accredited for recommending candidates for California teaching credentials. This agreement outlines relevant common standards, program standards, and preconditions, which must be met for intern program approval. It also contains quality-related criteria for Loyola Marymount University intern candidates.

University Internship Programs are designed to be partnerships between institutions of higher education and public charters to meet the growing need for qualified teachers. It is further agreed that an intern's salary will not be reduced to pay for supervision. Loyola Marymount University stipulated that interns' services meet the instructional needs for the Multiple, Single Subject, Education Specialist (mild/moderate), Administrative Services, and BCLAD Emphasis Credentials teachers in the participating district.

The University and the School District agree to the following conditions and services that apply to Interns who are, or will be, admitted to the University's credential programs through the University's departments and will be serving their education credential internship in the School District. Interns nominated by either the University or the School District shall be mutually acceptable to both the University and the School District, and shall be subject to a mutually acceptable placement within the School District.

**Loyola Marymount University agrees that:**

Each Intern shall have passed the California Educational Basic Skill Test (CBEST), and shall have passed the subject matter requirement (e.g. CSET/Multiple or Single Subjects Tests, or Liberal Studies Waiver) prior to assuming Intern services or responsibilities.

Each Intern shall possess a B.A. Degree, documented by official transcripts with a minimum overall GPA of 3.0 in the last 60 units.

Each Intern shall have a minimum of one hundred twenty (120) hours of verified pre-service coursework, of which forty-five (45) hours will be related to English Learners (EL), as well as forty-five (45) hours of experience with students, including those who are English Learners in educational settings; or current Preliminary or Clear Credential valid EL Authorization; or passing scores on CTEL examinations.

Each Intern shall have passed U.S. Constitution coursework or examination.

Each semester, each Intern shall be provided a minimum of three (3) hours per week of adequate instruction, advising, encouragement and support, as appropriate, by University personnel, including but not limited to University faculty and University Field Supervisors.

The University will provide program coordination as needed with the School District to manage the intern application and training process to ensure timely completion of credential coursework and filing for Intern and Preliminary Credentials with the California Commission on Teacher Credentialing (CCTC).

The University will select and train University Supervisors based on the following qualifications:

- Current knowledge in the content area they teach.
- Understand the context of public schooling.
- Ability to model best professional practices in teaching and learning, scholarship and service.
- Knowledgeable about diverse abilities, cultural, language, ethnic and gender diversity.
- Thorough grasp of the academic standards, frameworks, and accountability systems that drive the curriculum of public schools.

The University will ensure that University Supervisors will observe and evaluate interns at least four times during a semester and allocate time with each Intern after each visit to discuss the observation.

The University will direct University Supervisors to meet and consult with employer-provided on-site-provider as appropriate.

**Participating School District agrees that:**

Prior to an Intern assuming daily teaching responsibilities, the School District must validate that the Intern teacher meets the Commission's identified criteria.

Each Intern shall be provided, according to current Support and Supervision guidelines set forth by the California Commission on Teacher Credentialing, adequate supervision, advice, encouragement and support, as appropriate, by School District personnel, including but not limited to the school site faculty and the on-site support provider. Each support provider (mentor) will hold a valid Clear or Life Credential with EL Authorization and will have completed three (3) years of successful teaching experience.

Each Intern must be placed in classrooms that include ELL student(s) and student(s) identified with special needs.

Each Intern, at the discretion of the site administrator, may, on a limited basis, be released from other required School District meetings or activities, as needed, to observe other credentialed teachers, to meet with the on-site support provider, or to attend classes at the University.

If required, the School District will report numbers of Interns annually to the California Commission on Teacher Credentialing (CCTC) during an annual Intern census.

The School District agrees to allow the university supervisor to visit the Intern in his/her classroom during the university's academic semesters.

The principal will serve as the School District's evaluator of the Intern, complete required documentation in a timely manner, and meet with the university supervisor each year to monitor and assess the Intern's progress. The principal and the university supervisor will review the documentation to determine candidate competence and jointly recommend/not recommend the Intern for a teaching credential. If there is a lack of consensus between the supervisor and the principal, the documentation

will be reviewed by the Loyola Marymount Intern Program Director and a School District Administrator, at which time a decision will be made.

Administration agrees to assign an Intern to the appropriate placement that meets the requirements and preparation program of the type of Intern Credential issued to the Intern. Assignments are communicated to the University in an "Employment Verification Form." University reserves the right to rescind the Intern Credential if the University deems that the new Intern assignment is not in compliance with the type of preparation program of the candidate."

### **The University and the School District agree that:**

In total, a minimum of one hundred forty-four (144) hours of support/mentoring and supervision shall be provided to each Intern teacher per school year, including coaching, modeling, and demonstrating within the classroom, assistance with course planning, and problem solving regarding students, curriculum and development of effective teaching methodologies. The minimum support/mentoring and supervision provided to an Intern teacher who assumes daily teaching responsibilities after the beginning of the school year shall be equal to four (4) hours times the number of instructional weeks remaining in the school year, this taking into account the requirement for a minimum of two (2) hours every five (5) instructional days of adequate supervision.

The following additional support/mentoring and supervision shall be provided to an Intern teacher who enters the program without a valid English Learner authorization listed on a previously issued Multiple Subjects, Single Subject, or Education Specialist Teaching Credential; a valid English Learner of Cross-cultural, Language and Academic Development (CLAD) authorization:

- a) An additional forty-five (45) hours of support/mentoring and supervision specific to meeting the needs of English Learners shall be provided by the Commission-approved program (University) to an intern teacher who enters the program without a valid English Learner authorization listed on a previously issued Multiple Subject, Single Subject, or Education Specialist Teaching Credential Teaching Credential or a valid English Learner authorization or Cross-cultural, Language and Academic Development (CLAD) certificate. The minimum support/mentoring and supervision provided to an Intern teacher who assumes daily teaching responsibilities after the beginning of a school year shall be equal to four (4) hours times the number of instructional weeks remaining in the school year. The support/mentoring and supervision should be distributed in a manner that sufficiently supports the Intern teacher's development of knowledge and skills in the instruction of English Learners.
- b) The California employing agency (School District) shall identify an individual who will be immediately available to assist the intern teacher with planning lessons that are appropriately designed and differentiated for English Learners, for assessing language needs and progress, and for support of language accessible instruction through in-classroom modeling and coaching as needed. The identified individual may be the same mentor who is providing general support and supervision, provided that the individual possesses an English Learner authorization and will be immediately available to assist the Intern teacher in working with English Learners.
- c) An individual who passes the California Teaching of English Learner (CTEL) examinations prior subsequent to the issuance of the Intern Credential may be exempted from the additional forty-five (45) hours of support/mentoring and supervision specific to the needs of English Learners.

### **Mutual Indemnification; Limits on Liability:**

Each party (the "Indemnifying Party") agrees to protect, indemnify, defend and hold harmless the other party and its respective employees, agents, and independent contractors (the "Indemnified Party") against all claims, losses or damages to persons or property, governmental charges or fines, and costs

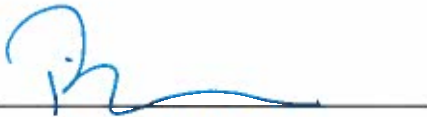
(including reasonable attorney's fees), arising out or resulting from (i) any breach of any representation, warranty, covenant, obligation or undertaking made by such Indemnifying Party hereunder, or (ii) the negligence or willful misconduct of the Indemnifying Party in connection with the subject matter of this Contract, including but not limited to the provision of food and beverage and other services and facilities (including the exhibition premises, as applicable) to the Indemnified Party or (iii) any violation of domestic or foreign law or regulation. The Indemnifying Party obligations hereunder shall survive the termination of this agreement.

Notwithstanding any other provisions in this agreement, the preceding paragraph governs the parties' indemnity obligations to each other hereunder and no limitation of liability is applicable to such obligations.

**Insurance:** Both parties agree to carry insurance customarily obtained in the industry in customary amounts and under customary terms and conditions, including liability insurance in amounts of not less than \$1,000,000 per occurrence and \$3,000,000 in aggregate. Upon request, each party shall provide a certificate evidencing such insurance to the other party.

**Loyola Marymount University  
School of Education**

**Chino Valley  
Unified School District**

By:   
Timothy P. Chang

By: \_\_\_\_\_

Title: Associate Dean for Business Services

Title: \_\_\_\_\_

Date: 6/12/17

Date: \_\_\_\_\_

By:   
Edmundo Edward F. Litton, Ed.D.

Title: Chair and Intern Program Director, Urban Education

Date: 6/20/17

**Loyola Marymount University**

By:   
Thomas O. Fleming, Jr.

Title: Senior Vice President and Chief Financial Officer

Date: 6-30-17

**Letter of Commitment and Agreement  
Loyola Marymount University Intern Partnership  
with  
Chino Valley Unified School District**

**Chino Valley Unified School District** agrees to participate with **Loyola Marymount University** in the Teacher Education Intern Credential Program [Multiple, Single Subject, Education Specialist (mild/moderate), Administrative Services Credentials and Bilingual Authorization].

Intern teachers will be compensated on the regular salary scale for certificated teachers, and their salaries will not be reduced for supervision costs.

The **School District** supports the attached goals of the internship program and the **School District** agrees to provide appropriate support for the intern while in the program.

Signed:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Title \_\_\_\_\_  
School District Official

Date \_\_\_\_\_

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Lea Fellows, Assistant Superintendent, Human Resources  
Suzanne Hernandez, Director, Human Resources  
Richard Rideout, Director, Human Resources

**SUBJECT: MEMORANDUM OF UNDERSTANDING FOR TUITION DISCOUNT  
WITH CALIFORNIA BAPTIST UNIVERSITY**

=====

**BACKGROUND**

The Chino Valley Unified School District has an opportunity to establish an agreement with California Baptist University to offer reduced tuition rates to current employees.

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

**RECOMMENDATION**

It is recommended the Board of Education approve the memorandum of understanding for tuition discount with California Baptist University.

**FISCAL IMPACT**

None.

WMJ:LF:SH:RR:mcm

## MEMORANDUM OF UNDERSTANDING

This AGREEMENT (hereinafter “Agreement”) is entered into the First (1<sup>st</sup>) day of August, 2017 by and between California Baptist University (hereinafter “University” or “CBU”) and Chino Valley Unified School District (“CVUSD”). CBU and CVUSD may be referred to individually as “Party” or collectively as “Parties.”

The purpose of this Agreement is to define how CBU will offer its courses at a reduced tuition rate to CVUSD employees and how CVUSD will provide opportunities to CBU to promote and recruit their employees subject to the terms and conditions of this Agreement.

### **The Parties Mutually Agree:**

A. This Agreement is effective as of August 1, 2017 and shall terminate three (3) years from that date, unless previously terminated by either Party. The Parties may renew this Agreement upon mutual written consent. Any extension to or amendment of the terms of this Agreement shall be in writing and signed by both Parties.

B. Either Party may terminate this Agreement, with or without cause at any time, by giving the other Party thirty (30) days’ written notice.

C. CBU shall waive application fees and offer a **ten percent (10%) tuition** scholarship to eligible CVUSD employees who attend classes online, at CBU’s main campus or at a CBU Education Service Center. CBU shall waive application fees and offer a **thirty percent (30%) tuition** scholarship to CVUSD employees who participate in a cohort hosted at a CVUSD facility or a fully online cohort. Participants in a cohort hosted at a CVUSD facility or in a fully online cohort must be enrolled in a minimum of twelve (12) units per semester at the undergraduate level or nine (9) units per semester at the graduate level to receive the thirty percent (30%) tuition scholarship. The tuition scholarship applies only to tuition, and no other fees (other than the application fee) will be discounted. The tuition discounts apply provided that student accounts remain current. The scholarship may not be combined with other institutional aid.

D. The scholarship and academic programs shall remain in place for students in good standing who maintain continuous enrollment, regardless of their employment status with CVUSD or the dissolution of the partnership between CBU and CVUSD. CVUSD employees currently or previously enrolled at CBU may not seek retroactive discounts or scholarships for tuition or fees paid prior to verification of their eligibility.

CVUSD employees who complete one degree at CBU and wish to pursue another must be re-verified by CVUSD as an eligible employee.

E. Students wishing to enroll at CBU will be required to apply for admission and be accepted in accordance with CBU’s existing admission requirements and processes. It is the *sole* responsibility of the CVUSD employee to notify CBU of their intent to request the application fee waiver and scholarship. Failure to do so ***before the last day to add a class*** will result in ineligibility.

F. All degree and credential programs are eligible; however, CBU reserves the right to modify these programs, price, offerings or curriculum at any time.

G. Employees of CVUSD may apply for Federal student loans the same as other students attending classes at CBU.

H. CVUSD will incur no financial obligation to CBU other than those it may voluntarily assume in connection with tuition reimbursement directly to the student(s). Students will otherwise be personally responsible to CBU for payment of fees and tuition.

I. Policies stated in the University Catalog and Student Handbook shall apply to CVUSD employees.

J. CBU shall defend, indemnify and hold CVUSD, its officers, agents and employees harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts, errors or omissions of CBU, its officers, agents or employees.

K. CVUSD shall defend, indemnify and hold CBU, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts, errors or omissions of CVUSD, its officers, agents or employees.

L. CVUSD shall provide opportunities for the University to market this tuition discount and related program offerings to their employees via emails, posters, brochures, information sessions, staff meetings, and other opportunities deemed appropriate. CVUSD is not responsible for guaranteeing that a certain number of employees avail themselves of this opportunity.

#### M. Miscellaneous Provisions

1. Authority. The undersigned individuals hereby represent that they are authorized to execute this Agreement on behalf of their respective organizations, and each party represents that this Agreement constitutes a legal and binding obligation of the Parties.

2. Severability. It is agreed that if any provision of this Agreement shall be determined to be void by a court of competent jurisdiction, then so long as such determination shall not affect any other material provisions of this Agreement and continue to allow this Agreement to be performed in the reasonable expectations of both Parties, then this Agreement and all such other provisions shall remain in full force and effect.

3. Notices. Any notice required or permitted to be provided under this Agreement shall be in writing and shall be deemed to have been duly given if mailed via first class mail, or by a reputable overnight delivery service, or by personal delivery, and directed to the address of such Party set forth below:



**CHINO VALLEY UNIFIED SCHOOL  
DISTRICT CONTACT  
INFORMATION:**

Chino Valley Unified School District  
5130 Riverside Drive  
Chino, CA 91710  
Attn: Lea Fellows  
Assistant Superintendent,  
Human Resources  
Tel: (909) 628-1201  
Email: lea\_fellows@chino.k12.ca.us

**CBU CONTACT INFORMATION:**


California Baptist University  
10370 Hemet Street  
Riverside, CA 92503  
Attn: Ted Meyer  
Dean of Enrollment Services  
Tel: (951) 343-3909  
Email: tmeyer@calbaptist.edu

4. Complete Agreement. This Agreement represents the Parties' final and complete agreement, and this Agreement shall supersede all other understandings, discussion and/or agreements between the Parties with regard to the subject matter in the Agreement.

5. Governing Law. This Agreement shall be construed in accordance with the laws of the State of California and in effect at the time of the execution of this Agreement.

6. Counterparts. The Parties agree that separate copies of this Agreement be signed by each of the Parties to the Agreement and these copies will have the same force and effect as if the original had been signed by all Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date.

CHINO VALLEY UNIFIED SCHOOL DISTRICT	CALIFORNIA BAPTIST UNIVERSITY
By _____	By  _____
Name: _____	Name: Mark Howe
Title: _____	Title: Vice President for Finance and Administration



**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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: REVISION OF BOARD POLICY AND ADMINISTRATIVE  
REGULATION 3551 BUSINESS AND NONINSTRUCTIONAL  
OPERATIONS – NUTRITION SERVICES OPERATIONS/CAFETERIA  
FUND**

=====

**BACKGROUND**

Board policies and regulations are routinely developed as a result of changes in law, mandates, federal regulations, and current practice. Board Policy and Administrative Regulation 3551 Business and Noninstructional Operations – Nutrition Services Operations/Cafeteria Fund are being revised to reflect updates to both laws and current practice.

New language is provided in UPPER CASE.

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 and Administrative Regulation 3551 Business and Noninstructional Operations – Nutrition Services Operations/Cafeteria Fund.

**FISCAL IMPACT**

None.

WMJ:SHC:LP:wc

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND**

The Board of Education intends that, ~~insofar as possible,~~ the school nutrition services program shall be a self-supporting, nonprofit program. To ENSURE PROGRAM QUALITY AND increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all nutrition service accounts for the District.

(cf. 3100 - Budget)  
 (cf. 3300 - Expenditures/Expending Authority)  
 (cf. 3311 - Bids)  
 (cf. 3550 - Nutrition Services/Child Nutrition Program)  
 (cf. 3552 - Summer Meal Program)  
 (cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that all ~~food~~ NUTRITION Services administrators and personnel possess ~~appropriate~~ THE REQUIRED qualifications and receive ongoing professional development related to the effective management and implementation of the District's ~~food~~ NUTRITION services program IN ACCORDANCE WITH LAW.

(cf. 4231 - Staff Development)  
 (cf. 4331 - Staff Development)

AT LEAST ONCE EACH YEAR, FOOD SERVICE ADMINISTRATORS, OTHER APPROPRIATE PERSONNEL WHO CONDUCT OR OVERSEE ADMINISTRATIVE PROCEDURES, AND OTHER FOOD SERVICE PERSONNEL SHALL RECEIVE TRAINING PROVIDED BY THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE). (42 USC 1776)

**Meal Sales**

Meals may be sold to students, District employees, board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to NONSTUDENTS, INCLUDING PARENTS/GUARDIANS, VOLUNTEERS, STUDENTS' SIBLINGS, OR other individuals ~~and organizations that~~ WHO are on campus ~~during meal times~~ for a legitimate purpose, ~~such as classroom volunteers, parents/guardians, or students' siblings.~~ Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture Foods.

MEAL PRICES, AS RECOMMENDED BY ~~the~~ Superintendent or designee AND APPROVED BY THE BOARD, shall ~~recommend meal prices,~~ BE based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760, ~~for students and nonstudents for approval by the board.~~

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)**

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. SUCH STUDENTS SHALL NOT BE OVERTLY IDENTIFIED OR TREATED DIFFERENTLY FROM OTHER STUDENTS.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5145.3 - Nondiscrimination/Harassment)

THE SUPERINTENDENT OR DESIGNEE SHALL ESTABLISH STRATEGIES AND PROCEDURES FOR THE COLLECTION OF MEAL PAYMENTS, INCLUDING DELINQUENT MEAL PAYMENTS, AND SHALL CLEARLY COMMUNICATE THESE PROCEDURES AND RELATED DISTRICT POLICIES TO STUDENTS AND PARENTS/GUARDIANS. THE PROCEDURES ADOPTED BY THE SUPERINTENDENT OR DESIGNEE SHALL CONFORM WITH 2 CFR 200.426 AND ANY APPLICABLE CDE GUIDANCE, AND SHALL NOT OVERTLY IDENTIFY STUDENTS WITH UNRECOVERED OR DELINQUENT DEBT OR TREAT THEM DIFFERENTLY THAN OTHER STUDENTS.

**Cafeteria Fund**

The Superintendent or designee shall establish a cafeteria fund independent of the District's general fund.

The wages, salaries and benefits of nutrition service employees shall be paid from the district general fund and reimbursed monthly from the cafeteria fund to the general fund. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. ~~Program financial reports shall be presented regularly to the Board.~~

(cf. 3230 - Federal Grant Funds)  
(cf. 3400 - Management of District Assets/Accounts)  
(cf. 3460 - Financial Reports and Accountability)

**CONTRACTS WITH OUTSIDE SERVICES**

WITH BOARD APPROVAL, THE DISTRICT MAY ENTER INTO A CONTRACT FOR FOOD SERVICE CONSULTING SERVICES OR MANAGEMENT SERVICES IN ONE OR MORE DISTRICT SCHOOLS. (EDUCATION CODE 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)  
(cf. 3600 – Consultants)

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)****PROCUREMENT OF FOODS**

TO THE MAXIMUM EXTENT PRACTICABLE, FOODS PURCHASED FOR USE IN SCHOOL MEALS BY THE DISTRICT OR BY ANY ENTITY PURCHASING FOOD ON ITS BEHALF SHALL BE DOMESTIC COMMODITIES OR PRODUCTS. DOMESTIC COMMODITY OR PRODUCT MEANS AN AGRICULTURAL COMMODITY THAT IS PRODUCED IN THE UNITED STATES AND A FOOD PRODUCT THAT IS PROCESSED IN THE UNITED STATES SUBSTANTIALLY USING AGRICULTURAL COMMODITIES THAT ARE PRODUCED IN THE UNITED STATES. (42 USC 1760; 7 CFR 210.21)

A NONDOMESTIC FOOD PRODUCT MAY BE PURCHASED FOR USE IN THE DISTRICT'S FOOD SERVICE PROGRAM ONLY AS A LAST RESORT WHEN THE PRODUCT IS NOT PRODUCED OR MANUFACTURED IN THE UNITED STATES IN SUFFICIENT AND REASONABLE QUANTITIES OF A SATISFACTORY QUALITY, OR WHEN COMPETITIVE BIDS REVEAL THE COSTS OF A UNITED STATES PRODUCT ARE SIGNIFICANTLY HIGHER THAN THE NONDOMESTIC PRODUCT. IN SUCH CASES, THE SUPERINTENDENT OR DESIGNEE SHALL RETAIN DOCUMENTATION JUSTIFYING THE EXCEPTION.

**PROGRAM MONITORING AND EVALUATION**

THE SUPERINTENDENT OR DESIGNEE SHALL PRESENT TO THE BOARD, AT LEAST ANNUALLY, FINANCIAL REPORTS REGARDING REVENUES AND EXPENDITURES RELATED TO THE FOOD SERVICE PROGRAM.

THE SUPERINTENDENT OR DESIGNEE SHALL PROVIDE ALL NECESSARY DOCUMENTATION REQUIRED FOR THE ADMINISTRATIVE REVIEW CONDUCTED BY THE CDE TO ENSURE COMPLIANCE OF THE DISTRICT'S FOOD SERVICE PROGRAM WITH FEDERAL REQUIREMENTS RELATED TO MAINTENANCE OF THE NONPROFIT SCHOOL FOOD SERVICE ACCOUNT, MEAL CHARGES, PAID LUNCH EQUITY, REVENUE FROM NONPROGRAM GOODS, INDIRECT COSTS, AND USDA FOODS.

(cf. 3555 - Nutrition Program Compliance)

**Legal Reference:**EDUCATION CODE

38080-38086 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49554 Contract for services

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)**

49550-49562 Meals for needy students  
HEALTH AND SAFETY CODE  
113700-114437 California Retail Food Code  
CODE OF REGULATIONS, TITLE 5  
15550-15565 School lunch and breakfast programs  
UNITED STATES CODE, TITLE 42  
1751-1769j School lunch programs  
1771-1791 Child nutrition, including:  
1773 School breakfast program  
CODE OF FEDERAL REGULATIONS, TITLE 2  
200.56 Indirect costs, definition  
200.400-200.475 Cost principles  
200 Appendix VII Indirect cost proposals  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program  
250.1-250.70 USDA foods

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, Management Bulletin, SNP-03-2017, April 2017

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-06-2015, May 2015

Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012

Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000

WEBSITES

California Department of Education, Nutrition Services Division: [www.cde.ca.gov/ls/nu](http://www.cde.ca.gov/ls/nu) California School Nutrition Association: [www.calsna.org](http://www.calsna.org)

U.S. Department of Agriculture, Food and Nutrition Service: [www.fns.usda.gov/cnd](http://www.fns.usda.gov/cnd)

**Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: August 21, 2008

Revised: April 5, 2012

REVISED:

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND****Payments for Meals**

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain an ~~account indicating payments received from each student for the purchase of school meals~~ SYSTEM FOR ACCURATELY RECORDING PAYMENTS RECEIVED AND TRACKING MEALS PROVIDED TO EACH STUDENT.

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3552 - Summer Meal Program)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, AND WHENEVER A STUDENT ENROLLS DURING THE SCHOOL YEAR, parents/guardians shall be notified of the District's meal payment policies and encouraged to prepay for meals whenever possible. THE SUPERINTENDENT OR DESIGNEE SHALL COMMUNICATE THE DISTRICT'S MEAL PAYMENT POLICIES THROUGH MULTIPLE METHODS, INCLUDING, BUT NOT LIMITED TO:

1. EXPLAINING THE MEAL CHARGE POLICY WITHIN REGISTRATION MATERIALS PROVIDED TO PARENTS/GUARDIANS AT THE START OF THE SCHOOL YEAR
2. INCLUDING THE POLICY IN PRINT VERSIONS OF STUDENT HANDBOOKS, IF PROVIDED TO PARENTS/GUARDIANS ANNUALLY
3. PROVIDING THE POLICY WHENEVER PARENTS/GUARDIANS ARE NOTIFIED REGARDING THE APPLICATION PROCESS FOR FREE AND REDUCED-PRICE MEALS, SUCH AS IN THE DISTRIBUTION OF APPLICATIONS AT THE START OF THE SCHOOL YEAR
4. POSTING THE POLICY ON THE DISTRICT'S WEB SITE
5. ESTABLISHING A SYSTEM TO NOTIFY PARENTS/GUARDIANS WHEN A STUDENT'S MEAL PAYMENT ACCOUNT HAS A LOW OR NEGATIVE BALANCE

(cf. 1113 - District and School Web Sites)  
(cf. 5145.6 - Parental Notifications)



**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)**

IN ORDER TO AVOID POTENTIAL MISUSE OF A STUDENT'S FOOD SERVICE ACCOUNT BY SOMEONE OTHER THAN THE STUDENT IN WHOSE NAME THE ACCOUNT HAS BEEN ESTABLISHED, THE SUPERINTENDENT OR DESIGNEE SHALL VERIFY A STUDENT'S IDENTITY WHEN SETTING UP THE ACCOUNT AND WHEN CHARGING ANY MEAL TO THE ACCOUNT. THE SUPERINTENDENT OR DESIGNEE SHALL INVESTIGATE ANY CLAIM THAT A BILL DOES NOT BELONG TO A STUDENT OR IS INACCURATE, SHALL NOT REQUIRE A STUDENT TO PAY A BILL THAT APPEARS TO BE THE RESULT OF IDENTITY THEFT, AND SHALL OPEN A NEW ACCOUNT WITH A NEW ACCOUNT NUMBER FOR A STUDENT WHO APPEARS TO BE THE SUBJECT OF IDENTITY THEFT.

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)

ANY PAYMENTS MADE TO A STUDENT'S FOOD SERVICE ACCOUNT SHALL, IF NOT USED WITHIN THE SCHOOL YEAR, BE CARRIED OVER INTO THE NEXT SCHOOL YEAR OR BE REFUNDED TO THE STUDENT'S PARENTS/GUARDIANS.

**UNPAID AND DELINQUENT MEAL CHARGES**

Students and their parents/guardians shall be notified whenever their account has a ~~zero~~ LOW OR NEGATIVE balance. Whenever a student's account has an unpaid balance OF \$50 OR MORE, parents/guardians shall be notified IN WRITING that full payment is due within seven school days from the date of the notice.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

THE SUPERINTENDENT OR DESIGNEE MAY ENTER INTO A REPAYMENT PLAN WITH A STUDENT'S PARENTS/GUARDIANS FOR PAYMENT OF THE STUDENT'S UNPAID MEAL CHARGE BALANCE OVER A PERIOD OF TIME. AS NECESSARY, THE REPAYMENT PLAN MAY ALLOW THE UNRECOVERED OR DELINQUENT DEBT TO CARRY OVER INTO THE NEXT FISCAL YEAR.

THE DISTRICT'S EFFORTS TO COLLECT DEBT SHALL BE CONSISTENT WITH DISTRICT POLICIES AND PROCEDURES, CALIFORNIA DEPARTMENT OF EDUCATION (CDE) GUIDANCE, AND 2 CFR 200.426. THE DISTRICT SHALL NOT SPEND MORE THAN THE ACTUAL DEBT OWED IN EFFORTS TO RECOVER UNPAID MEAL CHARGES.

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND** (cont.)

THE SUPERINTENDENT OR DESIGNEE SHALL MAINTAIN RECORDS OF THE EFFORTS MADE TO COLLECT UNPAID MEAL CHARGES AND, IF APPLICABLE, FINANCIAL DOCUMENTATION SHOWING WHEN THE UNPAID MEAL BALANCE HAS BECOME AN OPERATING LOSS.

**Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals.

The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online child nutrition information and payment system.

**Cafeteria Fund**

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the governing board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, 38092)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR 255 PART 200 APPENDI VII, and the California School Accounting Manual. (~~Education Code 38091, 38101; 2 CFR 255~~)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 -Transfer of Funds)

INDIRECT COSTS CHARGED TO THE FOOD SERVICE PROGRAM SHALL BE BASED ON EITHER THE DISTRICT'S PRIOR YEAR INDIRECT COST RATE OR THE STATEWIDE AVERAGE APPROVED INDIRECT COST RATE FOR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS LESS. (EDUCATION CODE 38101)

NET CASH RESOURCES IN THE NONPROFIT SCHOOL FOOD SERVICE SHALL NOT EXCEED THREE MONTHS AVERAGE EXPENDITURES. (2 CFR 220.14)

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)****U.S. Department of Agriculture Foods**

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA DONATED foods shall be used in school lunches as far as practicable. ~~But~~ also may be used in other nonprofit food service activities, INCLUDING, BUT NOT LIMITED TO, ~~with any revenues accruing to the District's nonprofit food service account. Such activities may include~~ school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, PROVIDED THAT ANY REVENUES FROM SUCH ACTIVITIES ACCRUE TO THE DISTRICTS NONPROFIT FOOD SERVICE ACCOUNT. (7 CFR 250.60)

**CONTRACTS WITH OUTSIDE SERVICES**

THE TERM OF ANY CONTRACT FOR FOOD SERVICE MANAGEMENT OR CONSULTING SERVICES SHALL NOT EXCEED ONE YEAR. ANY RENEWAL OF THE CONTRACT OR FURTHER REQUESTS FOR PROPOSALS TO PROVIDE SUCH SERVICES SHALL BE CONSIDERED ON A YEAR-TO-YEAR BASIS. (EDUCATION CODE 45103.5; 7 CFR 210.16)

ANY CONTRACT FOR MANAGEMENT OF THE FOOD SERVICE OPERATION SHALL BE APPROVED BY CDE AND COMPLY WITH THE CONDITIONS IN EDUCATION CODE 49554 AND 7 CFR 210.16 AS APPLICABLE. THE DISTRICT SHALL RETAIN CONTROL OF THE QUALITY, EXTENT, AND GENERAL NATURE OF ITS FOOD SERVICES, INCLUDING PRICES TO BE CHARGED TO STUDENTS FOR MEALS, AND SHALL MONITOR THE FOOD SERVICE OPERATION THROUGH PERIODIC ON-SITE VISITS. THE DISTRICT SHALL NOT ENTER INTO A

**NUTRITION SERVICES OPERATIONS/CAFETERIA FUND (cont.)**

CONTRACT WITH A FOOD SERVICE COMPANY TO PROVIDE A LA CARTE FOOD SERVICES ONLY, UNLESS THE COMPANY AGREES TO OFFER FREE, REDUCED-PRICE, AND FULL-PRICE REIMBURSABLE MEALS TO ALL ELIGIBLE STUDENTS. (EDUCATION CODE 49554; 42 USC 1758; 7 CFR 210.16)

ANY CONTRACT FOR CONSULTING SERVICES SHALL NOT RESULT IN THE SUPERVISION OF FOOD SERVICE CLASSIFIED STAFF BY THE MANAGEMENT CONSULTANT, NOR SHALL IT RESULT IN THE ELIMINATION OF ANY FOOD SERVICE CLASSIFIED STAFF OR POSITION OR HAVE ANY ADVERSE EFFECT ON THE WAGES, BENEFITS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF CLASSIFIED FOOD SERVICE STAFF OR POSITIONS. ALL PERSONS PROVIDING CONSULTING SERVICES SHALL BE SUBJECT TO APPLICABLE EMPLOYMENT CONDITIONS RELATED TO HEALTH AND SAFETY AS LISTED IN EDUCATION CODE 45103.5. (EDUCATION CODE 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4212 - Appointments and Conditions of Employment)

**Chino Valley Unified School District**

Regulation Approved: March 15, 2012

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
**SUBJECT: REVISION OF BOARD POLICY 0460 PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS – LOCAL CONTROL AND ACCOUNTABILITY PLAN**

=====  
**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 0460 Philosophy, Goals, Objectives, and Comprehensive Plans – Local Control and Accountability Plan is being updated to reflect the State Board of Education’s (SBE) adoption of evaluation rubrics (the “California School Dashboard”) that will assist districts in evaluating progress toward their LCAP goals.

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 0460 Philosophy, Goals, Objectives, and Comprehensive Plans – Local Control and Accountability Plan.

**FISCAL IMPACT**

None.

WMJ:GP:rtt

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN**

The Board of Education desires to ensure the most effective use of available funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions and to facilitate continuous improvement of District practices.

(cf. 0000 - Concepts and Roles)  
(cf. 0200 - Goals for the School District)

The Board shall adopt a districtwide Local Control and Accountability Plan (LCAP); following the template provided in 5 CCR 15497.5, which addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the District budget, shall cover the next fiscal year and subsequent two fiscal years. (Education Code 52060; 5 CCR 15497.5)

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6174 - Education for English Learners)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)  
(cf. 0440 - District Technology Plan)  
(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5030 - Student Wellness)  
(cf. 6171 - Title I Programs)  
(cf. 7110 - Facilities Master Plan)

The Superintendent or designee shall review the Single Plan for Student Achievement (SPSA) submitted by each District school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP ~~or the annual update~~ are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

## **LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**

THE LCAP SHALL ALSO BE ALIGNED WITH OTHER DISTRICT AND SCHOOL PLANS TO THE EXTENT POSSIBLE IN ORDER TO MINIMIZE DUPLICATION OF EFFORT AND PROVIDE CLEAR DIRECTION FOR PROGRAM IMPLEMENTATION.

(cf. 0400 - Comprehensive Plans)  
(cf. 0440 - District Technology Plan)  
(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5030 - Student Wellness)  
(cf. 6171 - Title I Programs)  
(cf. 7110 - Facilities Master Plan)

Any complaint that the District has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

### **Plan Development**

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Superintendent or designee shall consult with teachers, principals, administrators, other school personnel, and employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)  
(cf. 4140/4240/4340 - Bargaining Units)  
(cf. 6020 - Parent Involvement)

### **Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be comprised COMPOSED of a majority of parents/guardians and shall include at least one parent/guardian of an unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**

Whenever District enrollment includes at least 15 percent English learners with at least 50 students who are English Learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

**Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the District budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing.

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

**Submission of Plan to County Superintendent of Schools**

Not later than five days after adoption of the LCAP, the Board shall file the LCAP with the County Superintendent of Schools. (Education Code 52070)



**LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

**Monitoring Progress**

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the District's progress toward attaining each goal identified in the LCAP. EVALUATION SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ASSESSMENT OF DISTRICT AND SCHOOL PERFORMANCE BASED ON EVALUATION RUBRICS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO EDUCATION CODE 52064.5. Evaluation Data be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

**Technical Assistance/Intervention**

When it is in the best interest of the District, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of District strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the District's goals.
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups.
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074.

In the event that the County Superintendent requires the District to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**

If the Superintendent of Public Instruction (SPI) identifies the District as needing intervention pursuant to Education Code 52072, the District shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the District's LCAP.
2. Revision of the District's budget in accordance with changes in the LCAP.
3. A determination to stay or rescind any District action that would prevent the District from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement.

**Legal Reference:****EDUCATION CODE**

305-306 English Language Education

17002 State School Building Lease-Purchase Law, including definition of good repair

33430-33436 Learning Communities for School Success Program; grants for LCAP implementation

41020 Audits

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning pilot program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

60811.3 Assessment of language development

64001 Single plan for student achievement

99300-99301 Early Assessment Program

**CODE OF REGULATIONS, TITLE 5**

15494-15497.5 Local Control and Accountability Plan and Spending Requirements

**UNITED STATES CODE, TITLE 20**

6312 Local educational agency plan

6826 Title III funds, local plans

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

Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016

Local Control Funding Formula, Issue 1: What Board Needs to Know About the New Rubrics, Governance Brief, rev. October 2016

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

California School Accounting Manual

**LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**

Every Student Succeeds Act – Update #6, January 16, 2017

LCFF Frequently Asked Questions

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)

**Chino Valley Unified School District**

Policy adopted: August 7, 2014

Revised: April 7, 2016

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Imee Perius, Director, Communications  
Anne Ingulsrud, Director, Special Education  
Stephanie Johnson, Director, Student Support  
**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE REGULATION 5141.52 STUDENTS – SUICIDE PREVENTION**

=====  
**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 and Administrative Regulation 5141.52 Students – Suicide Prevention are being revised to reflect new law (AB 2246, 2016) which mandates districts serving grades 7-12 to adopt policy on suicide prevention, intervention, and postvention by the beginning of the 2017/2018 school year. Policy and regulation reflect the mandate to address any related staff development and to address the needs of specified high-risk student populations. In addition, policy and regulation add best practices in prevention, intervention, and postvention, including, but not limited to, crisis intervention procedures, follow-up care for a student who threatens or attempts suicide, and the provision of counseling and other postvention strategies to reduce suicide contagion.

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 and Administrative Regulation 5141.52 Students – Suicide Prevention.

**FISCAL IMPACT**

None.

## **SUICIDE PREVENTION**

The Board of Education recognizes that suicide is a major cause of death among youth and that should be taken seriously. In order to attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop preventative MEASURES AND strategies and FOR SUICIDE PREVENTION, intervention procedures, AND POSTVENTION.

IN DEVELOPING MEASURES AND STRATEGIES FOR USE BY THE DISTRICT, ~~the Superintendent or designee may involve~~ CONSULT WITH school health professionals, school counselors, SCHOOL PSYCHOLOGISTS, administrators, other staff, parents/guardians, students, local health agencies, MENTAL HEALTH and professionals, and community organizations in ~~planning, implementing, and evaluating the district's strategies for suicide prevention and intervention.~~

(cf. 1020 - Youth Services)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

### **Prevention and Instruction**

~~Suicide prevention~~ SUCH MEASURES AND strategies may SHALL include, but ARE not be limited to: ~~efforts to promote a positive school climate that enhances students' feelings of connectedness with the school and is characterized by caring staff and harmonious interrelationships among students.~~

~~The District's comprehensive health education program shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and self-esteem. Suicide prevention instruction shall be incorporated into the health education curriculum in the secondary grades. Such instruction shall be aligned with state content standards and shall be designed to help students analyze signs of depression and self-destructive behaviors, including potential suicide, and to identify suicide prevention strategies.~~

~~(cf. 6142.8 - Comprehensive Health Education)~~

~~The Superintendent or designee may offer parents/guardians education or information which describes the severity of the youth suicide problem, the District's suicide prevention curriculum, risk factors and warning signs of suicide, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis.~~

### **Staff Development**

~~Suicide prevention training for staff shall be designed to help staff identify and respond to students at risk of suicide. The training shall be offered under the direction of a district~~

**SUICIDE PREVENTION (cont.)**

~~counselor/psychologist and/or in cooperation with one or more community mental health agencies and may include information on:~~

- ~~1. Research identifying risk factors, such as previous suicide attempt(s), history of depression or mental illness, substance use problems, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, and other factors.~~

~~(cf. 5131.6 - Alcohol and Other Drugs)~~

- ~~2. Warning signs that may indicate suicidal intentions, including changes in students' appearance, personality, or behavior.~~

- ~~3. Research-based instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health.~~

- ~~4. School and community resources and services.~~

~~(cf. 5141.6 - School Health Services)~~

~~(cf. 6164.2 - Guidance/Counseling Services)~~

- ~~5.1. District procedures for intervening when a student attempts, threatens, or discloses the desire to commit~~ STAFF DEVELOPMENT ON suicide AWARENESS AND PREVENTION FOR TEACHERS, SCHOOL COUNSELORS, AND OTHER DISTRICT EMPLOYEES WHO INTERACT WITH STUDENTS IN THE SECONDARY GRADES

~~(cf. 4131 - Staff Development)~~

~~(cf. 4231 - Staff Development)~~

~~(cf. 4331 - Staff Development)~~

2. METHODS FOR PROMOTING A POSITIVE SCHOOL CLIMATE THAT ENHANCES STUDENTS' FEELINGS OF CONNECTEDNESS WITH THE SCHOOL AND IS CHARACTERIZED BY CARING STAFF AND HARMONIOUS INTERRELATIONSHIPS AMONG STUDENTS

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

**SUICIDE PREVENTION (cont.)**

3. ENCOURAGEMENT FOR STUDENTS TO NOTIFY APPROPRIATE SCHOOL PERSONNEL OR OTHER ADULTS WHEN THEY ARE EXPERIENCING THOUGHTS OF SUICIDE OR WHEN THEY SUSPECT OR HAVE KNOWLEDGE OF ANOTHER STUDENT'S SUICIDAL INTENTIONS
4. CRISIS INTERVENTION PROCEDURES FOR ADDRESSING SUICIDE THREATS OR ATTEMPTS
5. COUNSELING AND OTHER POSTVENTION STRATEGIES FOR HELPING STUDENTS, STAFF, AND OTHERS COPE IN THE AFTERMATH OF A STUDENT'S SUICIDE

**Intervention**

~~Whenever a staff member suspects or has knowledge of a student's suicidal intentions, he/she shall promptly notify the principal or school counselor. The principal or counselor shall then notify the student's parents/guardians as soon as possible and may refer the student to mental health resources in the school or community.~~

~~(cf. 5141 – Health Care and Emergencies)~~

~~Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.~~

~~Whenever schools establish a peer counseling system to provide support for students, peer counselors shall complete the suicide prevention curriculum, including identification of the warning signs of suicidal behavior and referral of a suicidal student to appropriate adults.~~

~~(cf. 5138 – Conflict Resolution/Peer Mediation)~~

~~The Superintendent or designee shall establish crisis intervention procedures to ensure student safety and appropriate communications in the event that a suicide occurs or an attempt is made on campus or at a school-sponsored activity.~~

AS APPROPRIATE, THESE MEASURES AND STRATEGIES SHALL SPECIFICALLY ADDRESS THE NEEDS OF STUDENTS WHO ARE AT HIGH RISK OF SUICIDE, INCLUDING, BUT NOT LIMITED TO, STUDENTS WHO ARE BEREAVED BY SUICIDE; STUDENTS WITH DISABILITIES, MENTAL ILLNESS, OR SUBSTANCE

**SUICIDE PREVENTION (cont.)**

USE DISORDERS; STUDENTS WHO ARE EXPERIENCING HOMELESSNESS OR WHO ARE IN OUT-OF-HOME SETTINGS SUCH AS FOSTER CARE; AND STUDENTS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUESTIONING YOUTH. (Education Code 215)

**Legal Reference:**

EDUCATION CODE

215 Student Suicide Prevention Policies  
32280-32289 Comprehensive Safety Plan  
49060-49079 Student records  
49602 Confidentiality of student information  
49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent  
5850-5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten through Grade Twelve, 2008  
Health Framework for California Public Schools, Kindergarten through Grade Twelve, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Preventing Suicide, A Toolkit for High Schools, 2012  
National Strategy for Suicide Prevention: Goals and Objectives for Action, 2012

WEBSITES

American Association of Suicidology: [www.suicidology.org](http://www.suicidology.org)  
American Foundation for Suicide Prevention: [www.afsp.org](http://www.afsp.org)  
American Psychological Association: [www.apa.org](http://www.apa.org)  
American School Counselor Association: [www.schoolcounselor.org](http://www.schoolcounselor.org)  
California Department of Education, Mental Health: [www.cde.ca.gov/ls/cg/mh](http://www.cde.ca.gov/ls/cg/mh)  
California Department of Health Care Services, Suicide Prevention Program: [www.dhcs.ca.gov/services.MH/Pages/SuicidePrevention.aspx](http://www.dhcs.ca.gov/services.MH/Pages/SuicidePrevention.aspx)  
Centers for Disease Control and Prevention, Mental Health: [www.cdc.gov/mentalhealth](http://www.cdc.gov/mentalhealth)  
National Institute for Mental Health: [www.nimh.nih.gov](http://www.nimh.nih.gov)  
National Institute for Mental Health: [www.nimh.nih.gov](http://www.nimh.nih.gov)  
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: [www.samhsa.gov](http://www.samhsa.gov)



**SUICIDE PREVENTION (cont.)**

**Chino Valley Unified School District**

Policy Adopted: August 12, 1999

Revised: March 17, 2011

REVISED:

## **SUICIDE PREVENTION**

### **STAFF DEVELOPMENT**

SUICIDE PREVENTION TRAINING SHALL BE PROVIDED TO TEACHERS, COUNSELORS, AND OTHER DISTRICT EMPLOYEES WHO INTERACT WITH STUDENTS AT THE SECONDARY LEVEL. THE TRAINING SHALL BE OFFERED UNDER THE DIRECTION OF A DISTRICT COUNSELOR/PSYCHOLOGIST OR IN COOPERATION WITH ONE OR MORE COMMUNITY MENTAL HEALTH AGENCIES.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

MATERIALS FOR TRAINING SHALL INCLUDE HOW TO IDENTIFY APPROPRIATE MENTAL HEALTH SERVICES AT THE SCHOOL SITE AND WITHIN THE COMMUNITY, AND WHEN AND HOW TO REFER YOUTH AND THEIR FAMILIES TO THOSE SERVICES.

STAFF DEVELOPMENT SHALL INCLUDE INFORMATION RELATED TO THE FOLLOWING TOPICS:

1. THE HIGHER RISK OF SUICIDE AMONG CERTAIN GROUPS, INCLUDING, BUT NOT LIMITED TO, STUDENTS WHO ARE BEREAVED BY SUICIDE; STUDENTS WITH DISABILITIES, MENTAL ILLNESS, OR SUBSTANCE USE DISORDERS; STUDENTS WHO ARE EXPERIENCING HOMELESSNESS OR WHO ARE IN OUT-OF-HOME SETTINGS SUCH AS FOSTER CARE; AND STUDENTS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUESTIONING YOUTH
2. WARNING SIGNS THAT MAY INDICATE DEPRESSION, EMOTIONAL DISTRESS, OR SUICIDAL INTENTIONS, SUCH AS CHANGES IN STUDENTS' PERSONALITY OR BEHAVIOR AND VERBALIZATIONS OF HOPELESSNESS OR SUICIDAL INTENT
3. PROTECTIVE FACTORS THAT MAY HELP TO DECREASE A PERSON'S SUICIDE RISK, SUCH AS RESILIENCY, PROBLEM-SOLVING ABILITY, ACCESS TO MENTAL HEALTH CARE, AND POSITIVE CONNECTIONS TO FAMILY, PEERS, SCHOOL, AND COMMUNITY
4. SCHOOL AND COMMUNITY RESOURCES AND SERVICES, INCLUDING RESOURCES AND SERVICES THAT MEET THE SPECIFIC NEEDS OF HIGH-RISK GROUPS

(cf. 5141.6 - School Health Services)

## **SUICIDE PREVENTION (cont.)**

(cf. 6164.2 - Guidance/Counseling Services)

### **5. DISTRICT PROCEDURES FOR INTERVENING WHEN A STUDENT ATTEMPTS, THREATENS, OR DISCLOSES THE DESIRE TO DIE BY SUICIDE**

#### **Instruction**

At appropriate secondary grades, the district's suicide prevention instruction shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. ~~Identify alternatives to suicide and~~ Develop coping and resiliency skills AND SELF-ESTEEM
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking SERVICES FOR mental health, substance abuse, and/or suicide prevention services

(cf. 1020 - Youth Services)  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5141.6 - School Health Services)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6164.2 - Guidance/Counseling Services)

#### **Intervention**

STUDENTS SHALL BE ENCOURAGED TO NOTIFY A TEACHER, PRINCIPAL, COUNSELOR, OR OTHER ADULT WHEN THEY ARE EXPERIENCING THOUGHTS OF SUICIDE OR WHEN THEY SUSPECT OR HAVE KNOWLEDGE OF ANOTHER STUDENT'S SUICIDAL INTENTIONS.

EVERY STATEMENT REGARDING SUICIDAL INTENT SHALL BE TAKEN SERIOUSLY. WHENEVER A STAFF MEMBER SUSPECTS OR HAS KNOWLEDGE OF A STUDENT'S SUICIDAL INTENTIONS BASED ON THE STUDENT'S VERBALIZATIONS OR ACT OF SELF-HARM, HE/SHE SHALL PROMPTLY NOTIFY THE PRINCIPAL OR SCHOOL COUNSELOR.

**SUICIDE PREVENTION (cont.)**

A SCHOOL EMPLOYEE SHALL ACT ONLY WITHIN THE AUTHORIZATION AND SCOPE OF HIS/HER CREDENTIAL OR LICENSE. AN EMPLOYEE IS NOT AUTHORIZED TO DIAGNOSE OR TREAT MENTAL ILLNESS UNLESS HE/SHE IS SPECIFICALLY LICENSED AND EMPLOYED TO DO SO. (Education Code 215)

When a suicide attempt or threat is reported, the principal or designee SHALL ENSURE STUDENT SAFETY BY TAKING THE FOLLOWING ACTIONS, AS APPROPRIATE:

- ~~1. Ensure the student's physical safety by one of the following, as appropriate:~~
  - a.1. IMMEDIATELY ~~Securing immediate~~ medical treatment AND/OR MENTAL HEALTH SERVICES AS NECESSARY ~~if a suicide attempt has occurred~~
  - b.2. ~~Securing~~ NOTIFYING law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. CONTACT PARENTS/GUARDIANS
4. CONTACT ON-SITE TRAINED STAFF MEMBER TO CONDUCT THE THREAT ASSESSMENT AND COMPLETE THREAT ASSESSMENT PROTOCOL DOCUMENTATION
- e.5. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5141 - Health Care and Emergencies)

THE PRINCIPAL OR DESIGNEE SHALL DOCUMENT THE INCIDENT IN WRITING, INCLUDING THE STEPS THAT THE SCHOOL TOOK IN RESPONSE TO THE SUICIDE ATTEMPT OR THREAT.

(cf. 5125 - Student Records)

- ~~2. Designate specific individuals to be promptly contacted, including the school counselor, psychologist, nurse, Superintendent, and/or the student's parent/guardian, and, as necessary, local law enforcement or mental health agencies.~~

**SUICIDE PREVENTION (cont.)**

~~3. Document the incident in writing as soon as feasible.~~

~~(cf. 5125 – Student Records)~~

~~4. Follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed.~~

~~5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at the school.~~

~~6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.~~

FOR ANY STUDENT RETURNING TO SCHOOL AFTER A MENTAL HEALTH CRISIS, THE PRINCIPAL OR DESIGNEE AND/OR SCHOOL COUNSELOR MAY MEET WITH THE PARENTS/GUARDIANS AND, IF APPROPRIATE, WITH THE STUDENT TO DISCUSS RE-ENTRY AND APPROPRIATE NEXT STEPS TO ENSURE THE STUDENT'S READINESS FOR RETURN TO SCHOOL.

**POSTVENTION**

THE SUPERINTENDENT OR DESIGNEE SHALL IMPLEMENT PROCEDURES TO ADDRESS STUDENTS' AND STAFF'S GRIEF AND TO MINIMIZE THE RISK OF IMITATIVE SUICIDE OR SUICIDE CONTAGION. HE/SHE SHALL PROVIDE STUDENTS, PARENTS/GUARDIANS, AND STAFF WITH INFORMATION, COUNSELING, AND/OR REFERRALS TO COMMUNITY AGENCIES AS NEEDED. SCHOOL STAFF MAY RECEIVE ASSISTANCE FROM SCHOOL COUNSELORS OR OTHER MENTAL HEALTH PROFESSIONALS IN DETERMINING HOW BEST TO DISCUSS THE SUICIDE OR ATTEMPTED SUICIDE WITH STUDENTS.

~~In the event that a suicide occurs or is attempted on campus, the principal or designee shall follow the crisis intervention procedures contained in the school safety plan. After consultation with the Superintendent or designee and the student's parents/guardians about facts that may be ANY RESPONSE TO MEDIA INQUIRIES SHALL BE HANDLED BY THE DISTRICT-DESIGNATED SPOKESPERSON WHO SHALL NOT divulged in accordance with the laws governing confidentiality of student record information. †The principal or designee may provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the DISTRICT'S RESPONSE SHALL NOT SENSATIONALIZE suicide or attempted suicide with students AND SHALL FOCUS ON THE DISTRICT'S POSTVENTION PLAN AND AVAILABLE RESOURCES.~~

**SUICIDE PREVENTION** (cont.)

(cf. 1112- Media Relations)

**Chino Valley Unified School District**

Regulation Approved: August 12, 1999

Revised: March 3, 2011

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Julian Rodriguez, Director, Secondary Curriculum  
Dan Sosa, Director, Elementary Curriculum

**SUBJECT: REVISION OF BOARD POLICY 6142.93 INSTRUCTION – SCIENCE INSTRUCTION**

=====

**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 6142.93 Instruction – Science Instruction is being revised to reflect new curriculum framework for science instruction adopted by the State Board of Education in November 2016 and the Next Generation Science Standards.

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 6142.93 Instruction – Science Instruction.

**FISCAL IMPACT**

None.

WMJ:GP:JR:DS:rtt

**SCIENCE INSTRUCTION**

The Board of Education believes that science education should focus on giving students an understanding of ~~key scientific concepts and a capacity for~~ THE BIOLOGICAL AND PHYSICAL ASPECTS OF SCIENCE, ~~KEY scientific ways of thinking~~ CONCEPTS, AND METHODS OF SCIENTIFIC INQUIRY AND INVESTIGATION. Students should become familiar with the natural world and the interrelationSHIP of science, mathematics, ~~and technology,~~ AND ENGINEERING. As part of ~~their~~ science instruction, students should learn how to apply scientific knowledge and ~~ways of thinking for individual and social purposes~~ REASONING.

(cf. 0440 - District Technology Plan)  
(cf. 5145.8 - Refusal to Harm or Destroy Animals)  
(cf. 6142.92 - Mathematics Instruction)  
(cf. 6143 - Courses of Study)  
(cf. 6146.1 - High School Graduation Requirements)

Philosophical and religious theories are based, at least in part, on faith and are not subject to scientific test and refutation. Such beliefs shall not be taught in science classes, but may be addressed in the social science and language arts curricula.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

THE DISTRICT'S ACADEMIC STANDARDS FOR SCIENCE INSTRUCTION SHALL MEET OR EXCEED THE CALIFORNIA NEXT GENERATION SCIENCE STANDARDS (CA-NGSS). THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT CURRICULA USED IN DISTRICT SCHOOLS ARE ALIGNED WITH THESE STANDARDS AND THE STATE CURRICULUM FRAMEWORK.

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT STUDENTS HAVE ACCESS TO AND ARE ENROLLED IN A BROAD COURSE OF STUDY INCLUDING SCIENCE COURSES.

(cf. 0460 - Local Control and Accountability Plan)



**SCIENCE INSTRUCTION (cont.)**

**Legal Reference:**

**EDUCATION CODE:**

8774 Residential outdoor science program

32030-32034 Eye Safety

32255-32255.6 Student's right to refrain from harmful or destructive use of animals

33475-33475.5 Model curriculum on stem cell science

49340-49341 Hazardous substances education

51210 Areas of Study, Grades 1 through 6

51210.3 Elementary science coach

51220 Areas of Study, Grades 7 through 12

51225.3 High school graduation

52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

**CODE OF REGULATIONS, TITLE 5**

14030 Science laboratories, design specifications

**CODE OF REGULATIONS, TITLE 8**

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Science Framework for California Public Schools: Kindergarten Through Grade Twelve, 2016

Next Generation Science Standards Systems Implementation Plan for California, 2014

California Next Generation Science Standards, 2013

Science Safety Handbook for California Public Schools, 2012

**WEBSITES**

CSBA: [www.csba.org](http://www.csba.org)

California Alliance for Next Generation Science Standards: [www.cdefoundation.org/stem/ca4ngss](http://www.cdefoundation.org/stem/ca4ngss)

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

California Science Teachers Association: [www.cascience.org](http://www.cascience.org)

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

**Chino Valley Unified School District**

Policy adopted: August 21, 1997

Revised: March 5, 2009

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Julian Rodriguez, Director, Secondary Curriculum  
**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE REGULATION 6145.2 INSTRUCTION – ATHLETIC COMPETITION**

=====  
**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 and Administrative Regulation 6145.2 Instruction – Athletic Competition are being revised to reflect new law (AB 1639, 2016) which requires (1) distribution to student athletes and parents/guardians of information on the nature and warning signs of sudden cardiac arrest, (2) training of coaches on the nature and warning signs of sudden cardiac arrest, and (3) removal of a student from an athletic if he/she passes out or faints, until clearance is obtained from a health care provider. Policy reflects law which provides that a homeless student must be immediately deemed to meet all residency requirements for participation in interscholastic athletic activities. Regulation also updated to reflect new law (SB 1375, 2016).

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 and Administrative Regulation 6145.2 Instruction – Athletic Competition.

**FISCAL IMPACT**

None.

WMJ:GP:JR:rtt

## **ATHLETIC COMPETITION**

The Board of Education recognizes that the District's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The DISTRICT'S athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)  
(cf. 5030 - Student Wellness)  
(cf. 5137 - Positive School Climate)  
(cf. 6142.7 - Physical Education and Activity)  
(cf. 7110 - Facilities Master Plan)

## **Supervision**

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

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

The Board encourages business and community support for District athletic programs, subject to applicable District policies and regulations governing advertisements and donations.

(cf. 1260 - Educational Foundation)  
(cf. 1321 - Solicitation of Funds from and by Students)  
(cf. 1325 - Advertising and Promotion)  
(cf. 1700 - Relations Between Private Industry and the Schools)  
(cf. 3290 - Gifts, Grants and Bequests)

## **Nondiscrimination and Equivalent Opportunities in the Athletic Program**

The District's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, AND THAT STUDENTS ARE PERMITTED TO PARTICIPATE IN ATHLETIC ACTIVITIES CONSISTENT WITH THEIR GENDER IDENTITY.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

## **ATHLETIC COMPETITION (cont.)**

Any complaint regarding the District's athletic program shall be filed in accordance with the District's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

## **California Interscholastic Federation**

The Board maintains membership in the CIF and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulations, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the District's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

Upon recommendation of the Superintendent, the Board shall annually designate ~~an employee from each high~~ A REPRESENTATIVE TO THE LOCAL CIF LEAGUE FROM EACH school to serve as a representative to the local CIF league THAT PARTICIPATES IN CIF SPORTS. ~~Appointees shall represent the district in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's~~ THE SUPERINTENDENT OR DESIGNEE SHALL RECOMMEND A CANDIDATE FOR THE POSITION WHO DEMONSTRATES AN understanding of the District's goals for student learning, A N D interscholastic and ~~extracurricular~~ activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the District, and ~~individual~~ interpersonal communication and leadership skills.

The ~~Superintendent or designee~~ DESIGNATED REPRESENTATIVE(S) shall ensure that the District representatives to CIF report regularly to the Board on VOTE ON ISSUES THAT IMPACT INTERSCHOLASTIC ATHLETICS AT THE league, AND section LEVELS, and PERFORM ANY OTHER DUTIES REQUIRED BY THE CIF LEAGUE. ~~and statewide issues, as well as activities and prospective actions related to athletic programs.~~

(cf. 0500 - Accountability)

## **Student Eligibility**

Eligibility requirements for STUDENT participation in the District's interscholastic athletic program, including requirements pertaining to academic achievement ~~and residency~~, shall be the same as those set by the District for participation in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5111.1 - District Residency)

## **ATHLETIC COMPETITION (cont.)**

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program, INCLUDING, BUT NOT LIMITED TO, A FEE TO COVER THE COST OF UNIFORMS, LOCKS, LOCKERS, OR ATHLETIC EQUIPMENT.

(cf. 3260 - Fees and Charges)  
(cf. 5143 - Insurance)

## **Sportsmanship**

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct ETHICS adopted by CIF.

Students and staff ~~may~~ SHALL be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5131 - Conduct)  
(cf. 5131.1 - Bus Conduct)  
(cf. 5131.4 - Student Disturbances)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

## **Health and Safety**

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Students shall have a medical clearance before participating in interscholastic athletic

**ATHLETIC COMPETITION (cont.)**

programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)  
 (cf. 5131.63 - Steroids)  
 (cf. 5141.3 - Health Examinations)  
 (cf. 5141.6 - School Health Services)  
 (cf. 5141.7 - Sun Safety)  
 (cf. 5143 - Insurance)

Coaches and appropriate District employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

(cf. 5142 - Safety)

In the event ~~that~~ OF an injury ~~occurs~~ OR A PERCEIVED IMMINENT RISK TO A STUDENT'S HEALTH, SUCH AS A CONCUSSION OR PASSING OUT, FAINTING, OR OTHER SIGN OF SUDDEN CARDIAC ARREST, DURING OR IMMEDIATELY AFTER AN ATHLETIC ACTIVITY, the coach or ~~other appropriate~~ ANY OTHER District employee WHO IS PRESENT shall ~~observe universal precautions and shall~~ remove the student athlete from the activity, OBSERVE UNIVERSAL PRECAUTIONS IN HANDLING BLOOD OR OTHER BODILY FLUID, and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)  
 (cf. 4119.43/4219.43/4319.43 - Universal Precautions)  
 (cf. 5141 - Health Care and Emergencies)  
 (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)  
 (cf. 5141.22 - Infectious Diseases)

**Legal Reference:****EDUCATION CODE**

200-262.4 Prohibition of discrimination  
 17578 Cleaning and sterilizing of football equipment  
 17580-17581 Football equipment  
 32220-32224 Insurance for athletic teams, especially:  
 32221.5 Required insurance for athletic activities  
 33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program  
 33354 California Department of Education authority over interscholastic athletics  
 33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act  
 35160.5 District policies; rules and regulations  
 35179 Interscholastic athletics  
 35179.1 California High School Coaching Education and Training Program  
 35179.5 Interscholastic athletics; limitation on full-contact practices

## **ATHLETIC COMPETITION (cont.)**

48850 Interscholastic athletics; students in foster care  
48900 Grounds for suspension and expulsion  
48930-48938 Student organizations  
49010-49013 Student fees  
49020-49023 Athletic programs; legislative intent, equal opportunity  
49030-49034 Performance-enhancing substances  
49458 Health examinations, interscholastic athletic program  
49475 Health and safety, concussions and head injuries  
49700-49701 Education of children of military families  
51242 Exemption from physical education for high school students in interscholastic athletic program

### PENAL CODE

245.6 Hazing

### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs, especially:  
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities  
5531 Supervision of extracurricular activities of students 5  
5590-5596 Employment of noncertificated coaches

### UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

### CODE OF FEDERAL REGULATIONS, TITLE 34

106.31 Nondiscrimination on the basis of sex in education programs or activities  
106.33 Comparable facilities  
106.41 Nondiscrimination in athletic programs

### COURT DECISIONS

Mansourian v. Regents of University of California, (2010) 594 F. 3d 1095  
Kahn v. East Side Union High School District, (2004) 31 Cal. 4th 990t  
McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275  
Hartzell v. Connell, (1984) 35 Cal. 3d 899

## **Management Resources:**

### CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017

### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

### CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

Guidelines for Gender Identity Participation  
California Interscholastic Federation Constitution and Bylaws  
A Guide to Equity in Athletics

Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians

Pursuing Victory with Honor, 1999

### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Heads Up: Concussion in High School Sports, Tool Kit, June 2010

Heads Up: Concussion in Youth Sports, Tool Kit, July 2007

Acute Concussion Evaluation (ACE) Care Plan, 2006

### OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017

Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague letter, April 20, 2010

**ATHLETIC COMPETITION (cont.)**

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)

California Interscholastic Federation: [www.cifstate.org](http://www.cifstate.org)

Centers for Disease Control and Prevention, Concussion Resources: [www.cdc.gov/concussion](http://www.cdc.gov/concussion)

National Federation of State High School Associations: [www.nfhs.org](http://www.nfhs.org)

National Operating Committee on Standards for Athletic Equipment: [www.nocsae.org](http://www.nocsae.org)

U.S. Anti-Doping Agency: [www.usada.org](http://www.usada.org)

U.S. Department of Education, Office for Civil Rights: [www2.ed.gov/ocr](http://www2.ed.gov/ocr)

**Chino Valley Unified School District**

Policy adopted: August 21, 1997

Revised: February 18, 2010

Revised: July 16, 2015

REVISED:



**ATHLETIC COMPETITION****Nondiscrimination and Equivalent Opportunities in the Athletic Program**

No ~~person~~ STUDENT shall be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or any other basis specified in law. (Education Code 220, 221.5, 230; 5 CCR 4920; 34 CFR 106.41)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee may provide single-sex teams when selection for the teams is based on competitive skills. (34 CFR 106.41; 5 CCR 4921)

Each student shall be allowed to participate in any single-sex athletic program or activity consistent with his/her gender identity and for which he/she is otherwise eligible to participate, irrespective of the gender listed on the student's records. (Education Code 221.5)

(cf. 5125 - Student Records)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for the team, regardless of sex, sexual orientation, gender, gender identity, gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes

The athletic program may be found to effectively accommodate the interests and abilities of both sexes using any one of the following tests: (Education Code 230)

**ATHLETIC COMPETITION (cont.)**

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
  - b. ~~When~~ WHERE the members of one sex have been and are underrepresented among interscholastic athletes, whether the District can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex
  - c. Where the members of one sex are underrepresented among interscholastic athletes and the District cannot show a history and a continuing practice of program expansion as required in item #1b above, whether the District can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program
2. The provision and maintenance of equipment and supplies
  3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
  4. Travel and per diem allowances
  5. Opportunities to receive coaching and academic tutoring
  6. Assignment and compensation of coaches and tutors
  7. Provision of locker rooms, practice facilities, and competitive facilities
  8. Provision of medical and training facilities and services
  9. Provision of housing and dining facilities and services
  10. Publicity
  11. Provision of necessary funds

~~Beginning with the 2015/2016 school year and every year thereafter, e~~Each school that offers competitive athletics shall, AT THE END OF THE SCHOOL YEAR, post ~~the following information~~ on its school website, or on the District website if the school does not have a website, ~~at the end of the school year~~ THE FOLLOWING INFORMATION:

**ATHLETIC COMPETITION (cont.)**

(Education Code 221.9)

1. The total enrollment of the school, classified by gender
2. The number of students enrolled at the school who participate in competitive athletics, classified by gender
3. The number of boys' and girls' teams, classified by sport and by competition level

(cf. 1113 - District and School Websites)

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be retained by the school for at least three years after the information is posted on the website. (Education Code 221.9)

(cf. 3580 - District Records)

**~~Health and Safety~~ CONCUSSIONS AND HEAD INJURIES**

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians an information sheet on concussions and head injuries. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. If the health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. (Education Code 49475)

The Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury suffered by the student and any actions taken to treat the student.

**ATHLETIC COMPETITION (cont.)**

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding concussion symptoms, prevention, and appropriate response.

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

A junior HIGH school or high school football team shall not hold a full-contact practice during the off-season and shall not conduct more than two full-contact practices per week during the preseason and regular season (from 30 days before the commencement of the regular season until the completion of the final interscholastic football game of that season). In addition, the full-contact portion of a practice shall not exceed 90 minutes in any single day. For these purposes, full-contact practice means a practice where drills or live action is conducted that involves collisions at game speed, where players execute tackles and other activity that is typical of an actual tackle football game. (Education Code 35179.5)

**SUDDEN CARDIAC ARREST**

THE SUPERINTENDENT OR DESIGNEE SHALL DISTRIBUTE THE CALIFORNIA INTERSCHOLASTIC FEDERATION (CIF) INFORMATION SHEET ON SUDDEN CARDIAC ARREST TO ALL STUDENT ATHLETES WHO WILL BE PARTICIPATING IN A CIF-GOVERNED ATHLETIC ACTIVITY AND TO THEIR PARENTS/GUARDIANS. THE STUDENT AND PARENT/GUARDIAN SHALL SIGN AND RETURN THE INFORMATION SHEET PRIOR TO THE STUDENT'S PARTICIPATION IN THE ATHLETIC ACTIVITY. IF AN ATHLETIC ACTIVITY IS NOT COVERED BY THE CIF, THE STUDENT AND HIS/HER PARENT/GUARDIAN SHALL, PRIOR TO PARTICIPATING IN THE ATHLETIC ACTIVITY, SIGN AND RETURN AN ACKNOWLEDGEMENT THAT THEY HAVE RECEIVED AND REVIEWED THE SUDDEN CARDIAC ARREST INFORMATION POSTED ON THE CALIFORNIA DEPARTMENT OF EDUCATION'S WEBSITE. (Education Code 33479.2, 33479.3)

THE SUPERINTENDENT OR DESIGNEE SHALL PROVIDE TRAINING TO COACHES AND/OR ATHLETIC TRAINERS REGARDING THE NATURE AND WARNING SIGNS OF SUDDEN CARDIAC ARREST. (Education Code 33479.6, 33479.7, 35179.1, 49032)

IF A STUDENT ATHLETE PASSES OUT OR FAINTS, OR IS KNOWN TO HAVE PASSED OUT OR FAINTED, WHILE PARTICIPATING IN OR IMMEDIATELY FOLLOWING HIS/HER PARTICIPATION IN AN ATHLETIC ACTIVITY, THE STUDENT SHALL BE REMOVED FROM PARTICIPATION AT THAT TIME. IF A STUDENT EXHIBITS ANY OTHER SYMPTOMS OF SUDDEN CARDIAC ARREST, INCLUDING SEIZURES DURING EXERCISE, UNEXPLAINED SHORTNESS OF BREATH, CHEST PAINS, DIZZINESS, RACING HEART RATE, OR EXTREME FATIGUE, HE/SHE MAY BE REMOVED FROM PARTICIPATION BY A COACH OR OTHER EMPLOYEE WHO OBSERVES THESE SYMPTOMS. IF ANY SUCH SYMPTOMS ARE OBSERVED,

**ATHLETIC COMPETITION (cont.)**

NOTIFICATION SHALL BE GIVEN TO THE STUDENT'S PARENT/GUARDIAN SO THAT THE PARENT/GUARDIAN CAN DETERMINE THE TREATMENT, IF ANY, THE STUDENT SHOULD SEEK. A STUDENT WHO HAS BEEN REMOVED FROM PARTICIPATION SHALL NOT BE PERMITTED TO RETURN UNTIL HE/SHE IS EVALUATED AND GIVEN WRITTEN CLEARANCE TO RETURN TO PARTICIPATION BY A HEALTH CARE PROVIDER. (Education Code 33479.2, 33479.5)

**ADDITIONAL Parental Notifications**

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall, IN ADDITION TO PROVIDING HIS/HER PARENTS/GUARDIANS WITH INFORMATION ON THE SIGNS AND SYMPTOMS OF CONCUSSIONS AND SUDDEN CARDIAC ARREST AS DESCRIBED ABOVE, send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the District's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8.

3. Explains that there is an element of risk associated with all athletic competitions and that the District cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the District to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

6. States the District's expectation that students adhere strictly to all safety rules, regulations, and instructions as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

**ATHLETIC COMPETITION (cont.)**

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

7. Includes a copy of the local California Interscholastic Federation (CIF) league rules
8. Includes information about the CIF bylaw and District policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids, UNLESS PRESCRIBED BY A LICENSED HEALTH CARE PRACTITIONER, or PROHIBITED dietary supplements THAT INCLUDE SUBSTANCES banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

**Chino Valley Unified School District**

Regulation approved: August 21, 1997

Revised: February 4, 2010

Revised: June 25, 2015

Revised: February 18, 2016

REVISED:

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Mary Salcido, Director, Access and Equity

**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE REGULATION 6174 INSTRUCTION – EDUCATION FOR ENGLISH LEARNERS**

=====

**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 and Administrative Regulation 6174 Instruction – Education for English Learners are being revised to reflect new law (Proposition 58) which authorizes parents/guardians to select a language acquisition program that best suits their child and eliminates the requirement for parents/guardians to request a waiver from the District if they want to enroll their child in a program other than a structured English immersion program. Policy and regulation reflects revisions in Title III English learner programs, including renumbering of accountability requirements and changes in the required parental notification, pursuant to the Every Student Succeeds Act. Title of policy and regulation updated to reflect current terminology.

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 and Administrative Regulation 6174 Instruction – Education for English Learners.

**FISCAL IMPACT**

None.

WMJ:GP:MS:rtt

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education intends to provide English language learners with challenging curriculum and instruction that develop proficiency in English ~~as rapidly and effectively as possible~~ while facilitating student achievement in the District's regular course of study.

The District shall identify in its Local Control and Accountability Plan (LCAP) GOALS AND specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3100 - Budget)

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards and curriculum framework. The District's program shall be based on sound instructional theory, use standards-aligned instructional materials, and assist students in accessing the full educational program.

(cf. 6011 - Academic Standards)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)  
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Language Learners)

~~The Superintendent or designee~~ THE DISTRICT shall provide EFFECTIVE PROFESSIONAL DEVELOPMENT to teachers, administrators, and other school staff ~~research-based professional development that is designed~~ to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC 6825)

(cf. 4131/4231/4331 - Staff Development)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs. In addition, to support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)



## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures ~~which provide~~ for the ACCURATE identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in THE ACCOMPANYING administrative regulation.

English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered ~~with allowable~~ WITH testing variations in accordance with 5 CCR 853.5 and 853.7. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

(cf. 6162.51 - State Academic Achievement Tests)

### **LANGUAGE ACQUISITION PROGRAMS**

LANGUAGE ACQUISITION PROGRAMS ARE EDUCATIONAL PROGRAMS THAT ARE DESIGNED TO ENSURE ENGLISH ACQUISITION AS RAPIDLY AND AS EFFECTIVELY AS POSSIBLE AND THAT PROVIDE INSTRUCTION TO STUDENTS ON THE STATE-ADOPTED ACADEMIC CONTENT STANDARDS, INCLUDING THE ENGLISH LANGUAGE DEVELOPMENT STANDARDS. THE LANGUAGE ACQUISITION PROGRAMS PROVIDED TO STUDENTS SHALL BE INFORMED BY RESEARCH AND SHALL LEAD TO GRADE-LEVEL PROFICIENCY ACHIEVEMENT IN BOTH ENGLISH AND ANOTHER LANGUAGE. (Education Code 306)

THE DISTRICT SHALL OFFER ENGLISH LEARNERS A STRUCTURED ENGLISH IMMERSION PROGRAM TO ENSURE THAT ENGLISH LEARNERS HAVE ACCESS TO THE CORE ACADEMIC CONTENT STANDARDS, INCLUDING THE ENGLISH LANGUAGE DEVELOPMENT STANDARDS, AND BECOME PROFICIENT IN ENGLISH. IN THE STRUCTURED ENGLISH IMMERSION PROGRAM, NEARLY ALL OF THE CLASSROOM INSTRUCTION SHALL BE PROVIDED IN ENGLISH, BUT WITH THE CURRICULUM AND PRESENTATION DESIGNED FOR STUDENTS WHO ARE LEARNING ENGLISH. (Education Code 305-306)

FOR THE PURPOSE OF DETERMINING THE AMOUNT OF INSTRUCTION TO BE CONDUCTED IN ENGLISH IN THE STRUCTURED ENGLISH IMMERSION PROGRAM, "NEARLY ALL" MEANS THAT ALL CLASSROOM INSTRUCTION SHALL BE

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

CONDUCTED IN ENGLISH EXCEPT FOR CLARIFICATION, EXPLANATION, AND SUPPORT AS NEEDED.

### **Placement of English Learners**

~~Students who are English learners shall be educated through “structured English immersion” (also known as “sheltered English immersion”), as defined in law and the accompanying administrative regulation, for a temporary transition period not normally intended to exceed one year. Nearly all of the classroom instruction in the District’s structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305-306)~~

~~“Nearly all,” for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.~~

~~When an English learner IS DETERMINED PURSUANT TO STATE AND DISTRICT RECLASSIFICATION CRITERIA TO has have acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education or District assessments, and/or other criteria adopted by the Board, he/she PURSUANT TO EDUCATION CODE 313 AND 52164.6, OR UPON REQUEST BY THE STUDENT’S PARENT/GUARDIAN, THE STUDENT shall be transferred from a structured English immersion classroom LANGUAGE ACQUISITION PROGRAM inTO an English language mainstream classroom in which the instruction is overwhelmingly in English.~~

~~At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)~~

~~THE FOLLOWING MEASURES SHALL BE USED TO DETERMINE WHETHER AN ENGLISH LEARNER SHALL BE RECLASSIFIED AS FLUENT ENGLISH PROFICIENT: (Education Code 313; 5 CCR 11303)~~

- ~~1. ASSESSMENT OF ENGLISH LANGUAGE PROFICIENCY USING AN OBJECTIVE ASSESSMENT INSTRUMENT, INCLUDING, BUT NOT LIMITED TO, THE STATE’S ENGLISH LANGUAGE PROFICIENCY ASSESSMENT~~
- ~~2. PARTICIPATION OF THE STUDENT’S CLASSROOM TEACHER AND ANY OTHER CERTIFICATED STAFF WITH DIRECT RESPONSIBILITY FOR TEACHING OR PLACEMENT DECISIONS RELATED TO THE STUDENT~~
- ~~3. PARENT/GUARDIAN OPINION AND CONSULTATION~~

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

THE SUPERINTENDENT OR DESIGNEE SHALL PROVIDE THE PARENTS/GUARDIANS WITH NOTICE AND A DESCRIPTION OF THE RECLASSIFICATION PROCESS AND OF HIS/HER OPPORTUNITY TO PARTICIPATE IN THE PROCESS AND SHALL ENCOURAGE HIS/HER INVOLVEMENT IN THE PROCESS.

4. STUDENT PERFORMANCE ON AN OBJECTIVE ASSESSMENT OF BASIC SKILLS IN ENGLISH THAT SHOWS WHETHER THE STUDENT IS PERFORMING AT OR NEAR GRADE LEVEL.

THE SUPERINTENDENT OR DESIGNEE SHALL MONITOR THE PROGRESS OF RECLASSIFIED STUDENTS TO ENSURE THEIR CORRECT CLASSIFICATION AND PLACEMENT. (5 CCR 11304)

THE SUPERINTENDENT OR DESIGNEE SHALL MONITOR STUDENTS FOR AT LEAST TWO YEARS FOLLOWING THEIR RECLASSIFICATION TO DETERMINE WHETHER THE STUDENT NEEDS ANY ADDITIONAL ACADEMIC SUPPORT TO ENSURE HIS/HER LANGUAGE AND ACADEMIC SUCCESS.

**Parental Exception Waivers**

~~When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)~~

~~Each waiver request shall be considered on its individual merits with deference given to parental/guardian's preference for student placement.~~

~~A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)~~

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)****Program Evaluation**

To evaluate the effectiveness of the District's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or at risk of being classified as long-term English learners, in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. Progress toward any other goals for English learners identified in the District's LCAP
6. A comparison of current data with data from at least the previous year

The Superintendent or designee also shall provide the Board with regular reports from any District or school-wide English learner advisory committees.

**Legal Reference:****EDUCATION CODE**

300-340 English language education, especially:  
 305-310 Language acquisition programs  
 313-313.5 Assessment of English proficiency  
 430-446 English Learner and Immigrant Pupil Federal Conformity Act  
 33050 State Board of Education waiver authority  
 42238.02-42238.03 Local control funding formula  
 44253.1-44253.11 Qualifications for teaching English learners  
 48980 Parental notifications  
 48985 Notices to parents in language other than English  
 52052 Academic Performance Index; numerically significant student subgroups  
 52060-52077 Local control and accountability plan  
 52130-52135 Impacted Languages Act of 1984  
 52160-52178 Bilingual Bicultural Act  
 60603 Definition, recently arrived English learner  
 60605.87 Supplemental instructional materials, English language development  
 60640 California Assessment of Student Performance and Progress  
 60810-60812 Assessment of language development  
 62005.5 Continuation of advisory committee after program sunsets

**CODE OF REGULATIONS, TITLE 5**

853.5-853.7 Test administration; universal tools, designated supports, and accommodations  
 11300-11316 English learner education  
 11510-11517 California English Language Development Test

## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

### UNITED STATES CODE, TITLE 20

1412 Individuals with Disabilities Education Act; state eligibility

1701-1705 Equal Educational Opportunities Act

6311 Title I state plan

6312 Local education agency plans

6801-7014 Title III, Language instruction for limited English proficient and immigrant students

7801 Definitions

### COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036

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

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

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

### ATTORNEY GENERAL OPINIONS

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

### **Management Resources:**

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2013

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

Common Core State Standards for Mathematics, rev. 2013

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

#### U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015  
Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

#### WEBSITES

California Association for Bilingual Education: [www.gocabe.org](http://www.gocabe.org)

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

National Clearinghouse for English Language Acquisition: [www.ncela.us](http://www.ncela.us)

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

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

**Chino Valley Unified School District**

Policy Adopted: August 21, 1997

Revised: February 22, 2001

Revised: September 4, 2003

Revised: June 18, 2009

Revised: March 21, 2013

Revised: March 3, 2016

REVISED:

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS****Definitions**

~~English learner, also known as a limited English proficient student, means a student who IS AGE 3-21 YEARS, WHO IS ENROLLED OR IS PREPARING TO ENROLL IN AN ELEMENTARY OR SECONDARY SCHOOL, AND WHOSE DIFFICULTIES ~~does not~~ IN speaking, READING, WRITING, OR UNDERSTANDING THE English LANGUAGE MAY BE SUFFICIENT TO DENY THE STUDENT THE ABILITY TO MEET STATE ACADEMIC STANDARDS, THE ABILITY TO SUCCESSFULLY ACHIEVE IN CLASSROOMS WHERE THE LANGUAGE OF INSTRUCTION IS ENGLISH, OR THE OPPORTUNITY TO PARTICIPATE FULLY IN SOCIETY. AN ENGLISH LEARNER MAY INCLUDE A STUDENT WHO WAS NOT BORN IN THE UNITED STATES or whose native language is ~~not~~ A LANGUAGE OTHER THAN English; and who is ~~not~~ currently able to perform ordinary classroom work in English. A STUDENT WHO IS NATIVE AMERICAN OR ALASKA NATIVE, OR A NATIVE RESIDENT OF THE OUTLYING AREAS, WHO COMES FROM AN ENVIRONMENT WHERE A LANGUAGE OTHER THAN ENGLISH HAS HAD A SIGNIFICANT IMPACT ON THE INDIVIDUAL'S LEVEL OF ENGLISH LANGUAGE PROFICIENCY; OR A STUDENT WHO IS MIGRATORY, WHOSE NATIVE LANGUAGE IS A LANGUAGE OTHER THAN ENGLISH, AND WHO COMES FROM AN ENVIRONMENT WHERE A LANGUAGE OTHER THAN ENGLISH IS DOMINANT. (Education Code 306; 20 USC 7801)~~

~~NATIVE SPEAKER OF ENGLISH MEANS A STUDENT WHO HAS LEARNED AND USED ENGLISH IN HIS/HER HOME FROM EARLY CHILDHOOD AND ENGLISH HAS BEEN HIS/HER PRIMARY MEANS OF CONCEPT FORMATION AND COMMUNICATION. (Education Code 306)~~

~~Long-term English learner means an English learner who is enrolled in grades 6-12, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the California English Language Development Test (CELDT) or any successor test, and scores far below basic or below basic on the English language arts test of the California Standards Tests or any successor test. (Education Code 313.1)~~

~~English learner at risk of becoming a long-term English learner means an English learner who is enrolled in grades 5-11 in the United States for four years, scores at the intermediate level or below on the CELDT or any successor test, and scores in the fourth year at the below basic or far below basic level on the English language arts test of the California Standards Tests or any successor test. (Education Code 313.1)~~

~~English language classroom means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.~~

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

~~(Education Code 306)~~

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

~~Structured English immersion (also known as “sheltered English immersion”) means an English language acquisition process in which nearly all classroom instruction is in English but with the curriculum and presentation designed for students who are learning the language. (Education Code 306)~~

~~Bilingual education/native language instruction means a language acquisition process for students in which much or all instruction, textbooks, and teaching materials are in the student's native language. (Education Code 306)~~

**Identification and Assessments**

Upon enrollment in the District, each student's primary language shall be determined through use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not been previously identified as an English learner by a California public school or for whom there is no record of results from an administration for an English language proficiency test, shall be assessed English proficiency using the state's designed English language proficiency test. (Education Code 313; 52164.1; 5 CCR 11511)

Each year after a student is identified as an English learner and until he/she is redesignated as English proficient, the summative assessment shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.7. Variations and accommodations in test administration may be provided pursuant to 5 CCR 11516-11516.7. Any student with a disability shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's Individualized Education Program (IEP) or Section 504 plan that are appropriate and necessary to address the student's individual needs. If he/she is unable to participate in the assessment or a portion of the assessment with such accommodations, he/she shall be administered an alternate assessment for English language proficiency as set forth in his/her IEP. (5 CCR 11516-11516.7)



**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

(cf. 6159 - Individualized Education Program)  
 (cf. 6164.6 - Identification and Education under Section 504)

**Parental Notifications**

~~The Superintendent or designee shall provide the following written notifications to parents/guardians of English learners~~ THE PARENT/GUARDIAN OF A STUDENT PARTICIPATING IN, OR IDENTIFIED FOR PARTICIPATION IN, A LANGUAGE INSTRUCTION PROGRAM SUPPORTED BY FEDERAL TITLE I OR TITLE III FUNDS SHALL RECEIVE NOTIFICATION OF THE ASSESSMENT OF HIS/HER CHILD'S ENGLISH PROFICIENCY. SUCH NOTICE SHALL BE PROVIDED NOT LATER THAN 30 CALENDAR DAYS AFTER THE BEGINNING OF THE SCHOOL YEAR OR, IF THE STUDENT IS IDENTIFIED FOR PROGRAM PARTICIPATION DURING THE SCHOOL YEAR, WITHIN TWO WEEKS OF THE STUDENT'S PLACEMENT IN THE PROGRAM. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING: (Education Code 440; 20 USC 6312)

1. Assessment notification: The District shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

(cf. 5145.6 - Parental Notifications)

2. Placement notification: At the beginning of each school year, parents/guardians shall be informed of the placement of their child in a structured ~~English immersion program~~ LANGUAGE ACQUISITION PROGRAM and shall be notified of an opportunity to apply for a parental exception waiver. (Education Code 310; 5 CCR 11309)
3. ~~TITLE I AND Title III notifications: Each parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 440; 20 USC 7012)~~ A DESCRIPTION OF THE LANGUAGE ACQUISITION PROGRAM IN WHICH THE STUDENT IS, OR WILL BE, PARTICIPATING INCLUDING ALL OF THE FOLLOWING:
  - a. The reason for the student's classification as an English learner

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

- b. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
  - c. A description OF THE LANGUAGE ACQUISITION program ~~for English language development instruction~~, including a description of all of the following:
    - (1) THE METHODS OF INSTRUCTION USED IN THE PROGRAM AND IN OTHER AVAILABLE PROGRAMS, INCLUDING HOW SUCH PROGRAMS DIFFER IN CONTENT, INSTRUCTIONAL GOALS, AND THE USE OF ENGLISH AND NATIVE LANGUAGE IN INSTRUCTION
    - (2) The manner in which the program will meet the educational strengths and needs of the student
    - (3) The manner in which the program will help the student develop his/her English proficiency and meet age-appropriate academic standards FOR GRADE PROMOTION AND GRADUATION
    - (4) The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
    - (5) Where the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
  - d. Information regarding a parent/guardian's option to decline to allow the student to be enrolled in the program or to choose to allow the student to be enrolled in an alternative program
  - e. Information designed to assist a parent/guardian in selecting among available programs, if more than one program is offered
4. ~~Annual measurable objectives notification: if the district fails to make progress on the annual measurable achievement objectives for English learners established pursuant to 20 USC 6842, the Superintendent or designee shall, within 30 days after such failure occurs, send a notification regarding such failure to the parents/guardians of each student identified for participation in a language instruction educational program supported by Title III funds. (20 USC 7012)~~

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)****Parental Exception Waivers**

A parent/guardian may, by personally visiting the school, request that the District waive the requirements pertaining to the placement of his/her child in a structured English immersion program if one of the following circumstances exists: (Education Code 310-311)

1. The student already possesses sufficient English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores at or above the state average for his/her grade level or at or above the fifth-grade average, whichever is lower.
2. The student is age 10 years or older, and it is the informed belief of the principal and educational staff that an alternate course of study would be better suited to the student's rapid acquisition of basic English skills.
3. The student already has been placed, for a period of not less than 30 calendar days during that school year, in an English language classroom and it is subsequently the informed belief of the principal and educational staff that the student has special physical, emotional, psychological, or educational needs and that an alternate course of educational study would be better suited to the student's overall educational development.

Upon request for a waiver, the Superintendent or designee shall provide to the parents/guardians with a full written description and, upon request, a spoken description of the intent and content of the structured English immersion program, any alternative courses of study, all educational opportunities offered by the District and available to the students, and the educational materials to be used in the different educational program choices. For a request for waiver pursuant to item #3 above, the Superintendent or designee shall notify the parent/guardian that the student must be placed for a period of not less than 30 calendar days in an English language classroom and that the waiver must be approved by the Superintendent pursuant to any guidelines established by the Board. (Education Code 310, 311; 5 CCR 11309)

The principal and educational staff may recommend a waiver to a parent/guardian pursuant to item #2 or #3 above. Parents/guardians shall be informed in writing of any recommendation for an alternative program made by the principal and staff and shall be given notice of their right to refuse to accept the recommendation. The notice shall include a full description of the recommended alternative program and the educational materials to be used for the alternative program as well as a description of all other programs available to the student. If the parent/guardian elects to request the alternative program recommended by the principal and educational staff, the parent/guardian shall comply with District procedures and requirements otherwise

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

applicable to a parental exception waiver, including Education Code 310. (Education Code 311; 5 CCR 11309)

When evaluating waiver requests pursuant to item #1 above and other waiver requests for students for whom standardized assessment data are not available, other equivalent assessment measures may be used. These equivalent measures may include District standards and assessments and teacher evaluations of such students.

Parental exception waivers pursuant to item #2 above shall be granted if it is the informed belief of the principal and educational staff that an alternate course of educational study would be better suited to the student's rapid acquisition of basic English language skills. (Education Code 311)

Parental exception waivers pursuant to item #3 above shall be granted by the Superintendent or designee if it is the informed belief of the principal and educational staff that, due to the student's special physical, emotional, psychological, or educational needs, an alternate course of educational study would be better suited to the student's overall educational development. (Education Code 311)

All parental exception waivers shall be acted upon within 20 instructional days of submission to the principal. However, parental waiver requests pursuant to item #3 above shall not be acted upon during the 30-day placement in an English language classroom. Such waivers shall be acted upon no later than 10 calendar days after the expiration of that 30-day English language classroom placement or within 20 instructional days of submission of the waiver to the principal, whichever is later. (5 CCR 11309)

Any individual school in which 20 students or more of a given grade level receive a waiver shall offer an alternative class where the students are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Otherwise, the students shall be allowed to transfer to a public school in which such a class is offered. (Education Code 310)

In cases where a parental exception waiver pursuant to item #2 or #3 above is denied, the parent/guardian shall be informed in writing of the reason(s) for the denial and advised that he/she may appeal the decision to the Board if the Board authorizes such an appeal, or to the court. (5 CCR 11309)

Waiver requests shall be renewed annually by the parent/guardian. (Education Code 310)

**Reclassification/Redesignation**

The District shall continue to provide additional and appropriate educational services to

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

English learners for the purposes of overcoming language barriers until they:  
(5 CCR 11302)

1. Demonstrate English language proficiency comparable to that of the District's average native English language speakers
2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The following measures shall be used to determine whether an English learner shall be reclassified as fluent English proficient BUT NOT BE LIMITED TO: (Education Code 313; 525164.6; 5 CCR 11303)

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the the state's English language proficiency assessment.
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student.
3. Parent/guardian opinion and consultation.

The Superintendent or designee shall provide the parents/guardians with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.

4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level.

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least two years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)****Advisory Committee**

A parent/guardian advisory committee shall be established at the District level when there are more than 50 English learners in the District and at the school level when there are more than 20 English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The District's English Language Advisory Committee shall advise the Board on at least the following tasks: (5 CCR 11308)

1. The development of a District master plan of education programs and services for English learners, taking into consideration the school site plans for English learners
2. The Districtwide needs assessment on a school-by-school basis
3. Establishment of a District program, goals and objectives for programs and services for English learners
4. Development of a plan to ensure compliance with applicable teacher or aide requirements
5. Administration of the annual language census
6. Review of and comment on the District's reclassification procedures

~~Review of and comments on the written notification required to be sent to parents/guardians pursuant to 5 CCR 11300-11316~~

(cf. 0420 - School Plans/Site Councils)  
 (cf. 1220 - Citizen Advisory Committees)  
 (cf. 5020 - Parent Rights and Responsibilities)  
 (cf. 6020 - Parent Involvement)

In order to assist advisory members in carrying out their responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

**LCAP Advisory Committee**

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a District-level English learner parent advisory committee

**EDUCATION FOR ENGLISH LANGUAGE LEARNERS (cont.)**

shall be established to review and comment on the District's Local Control and Accountability Plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

(cf. 0460 - Local Control and Accountability Plan)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English Learner Advisory Committee if its composition includes a majority of parents/guardians of English learners.

**Chino Valley Unified School District**

Regulation approved: August 21, 1997

Revised: February 22, 2001

Revised: September 4, 2003

Revised: May 7, 2009

Revised: March 7, 2013

Revised: February 18, 2016

REVISED:

**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017

**TO:** Members, Board of Education

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

**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support  
Julian Rodriguez, Director, Secondary Curriculum

**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE REGULATION 6178.1 INSTRUCTION – WORK-BASED LEARNING**

=====

**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 6178.1 Instruction – Work-Based Learning are being updated to reflect new law (AB 2063, 2016) which authorized the District to grant credit for satisfactory completion of a work experience education program to students ages 14-15 when the principal certifies that such credit is necessary for the student’s participation in a career technical education (CTE) program. Regulation also reflects provision of AB 2063 which allows students to participate in job shadowing activities for up to 40 hours per semester, intersession, or summer school session if the principal certifies that it is necessary for participation in a CTE program.

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 and Administrative Regulation 6178.1 Instruction – Work-Based Learning.

**FISCAL IMPACT**

None.

WMJ:GP:JR:rtt



## **WORK- EXPERIENCE EDUCATION BASED LEARNING**

The Board of Education ~~believes that~~ DESIRES TO FACILITATE work-BASED LEARNING OPPORTUNITIES WHICH LINK CLASSROOM LEARNING WITH REAL-WORLD experienceS. ~~education programs can provide~~ THE DISTRICT'S WORK-BASED LEARNING PROGRAM SHALL BE DESIGNED TO TEACH students with ~~valuable instruction in the skills, attitudes, and understandings they need in order to be~~ KNOWLEDGE NECESSARY FOR successfully employedMENT AND TO REINFORCE MASTERY OF BOTH ACADEMIC AND CAREER TECHNICAL EDUCATION (CTE) STANDARDS.

(cf. 6000 - Concepts and Roles)  
 (cf. 6011 - Academic Standards)  
 (cf. 6143 - Courses of Study)  
 (cf. 6178 - Career Technical Education)

The District's work-based learning program may offer opportunities for paid and/or unpaid work experiences, including, but not limited to:

1. Work experience education as defined in Education Code 51764
2. Cooperative CTE or community classrooms as defined in Education Code 52372.1
3. Job shadowing experience as defined in Education Code 51769
4. Student internships
5. Apprenticeships
6. Service learning
7. Employment in social/civic or school-based enterprises
8. Technology-based or other simulated work experiences

(cf. 6142.4 - Services Learning/Community Service Classes)

~~Students enrolled in this program shall receive~~ TO ENSURE APPROPRIATE guidance and supervision OF PARTICIPATING STUDENTS ~~designed to ensure~~ AND maximize THE educational benefit from placement in suitable WEE courses ANY WORK-BASED LEARNING PROGRAM. ~~The program shall integrate the efforts of teachers, counselors, students, parents/ guardians, and employers to assist students in selecting a career path and developing a positive work ethic and work habits.,~~ District staff shall coordinate with the workplace supervisors or mentors.

**WORK- EXPERIENCE EDUCATION BASED LEARNING (cont.)**

THE SUPERINTENDENT OR DESIGNEE MAY PROVIDE STUDENTS EMPLOYMENT OPPORTUNITIES WITH PUBLIC AND PRIVATE EMPLOYERS IN AREAS WITHIN OR OUTSIDE THE DISTRICT. (Education Code 51768)

ANY DISTRICT PLAN FOR WORK-BASED LEARNING SHALL BE SUBMITTED TO THE BOARD FOR APPROVAL. WHEN REQUIRED, THE PLAN SHALL BE SUBMITTED TO THE CALIFORNIA DEPARTMENT OF EDUCATION OR OTHER STATE AGENCY OR OFFICIAL.

THE SUPERINTENDENT OR DESIGNEE SHALL INVOLVE LOCAL BUSINESSES OR BUSINESS ORGANIZATIONS IN PLANNING AND IMPLEMENTING WORK-BASED LEARNING OPPORTUNITIES THAT SUPPORT THE DISTRICT'S VISION AND GOALS FOR STUDENT LEARNING AND LOCAL WORKFORCE DEVELOPMENT EFFORTS. HE/SHE ALSO MAY WORK WITH POSTSECONDARY INSTITUTIONS, COMMUNITY ORGANIZATIONS, AND OTHERS TO IDENTIFY OPPORTUNITIES FOR WORK-BASED LEARNING.

(cf. 0000 - Concepts and Roles)  
 (cf. 0200 - Goals for the School District)  
 (cf. 1220 - Citizen Advisory Committees)  
 (cf. 1700 - Relations Between Private Industry and the Schools)  
 (cf. 6020 - Parent Involvement)

WHEN REQUIRED BY LAW, THE SUPERINTENDENT OR DESIGNEE SHALL DEVELOP A WRITTEN TRAINING AGREEMENT WITH THE EMPLOYER THAT DESCRIBES THE CONDITIONS AND REQUIREMENTS TO BE MET BY ALL PARTIES AND SHALL DEVELOP AN INDIVIDUAL TRAINING PLAN FOR EACH STUDENT WHICH OUTLINES THE OBJECTIVES OR COMPETENCIES THAT THE STUDENT IS EXPECTED TO ACCOMPLISH AT THE WORK SITE. (5 CCR 10070-70071, 10087, 10108)

A MINOR STUDENT SHALL BE ALLOWED EMPLOYMENT THROUGH A PAID WORK-BASED LEARNING PROGRAM ONLY IF HE/SHE HAS BEEN ISSUED A WORK PERMIT, IN ACCORDANCE WITH LAW, BOARD POLICY, AND ADMINISTRATIVE REGULATION. (Education Code 49113, 49160)

(cf. 5113.2 - Work Permits)

ALL LAWS OR RULES APPLICABLE TO MINORS IN EMPLOYMENT RELATIONSHIPS SHALL BE APPLICABLE TO STUDENTS ENROLLED IN WORK-BASED LEARNING PROGRAMS (Education Code 51763)

The ~~District~~ SUPERINTENDENT OR DESIGNEE ~~may~~ SHALL ~~provide for liability insurance for~~ ENSURE THAT ANY students participating in a ~~WEE program~~ WORK-BASED LEARNING PROGRAM off school grounds ~~in accordance with law and board~~

**WORK- EXPERIENCE EDUCATION BASED LEARNING (cont.)**

policy is covered under the employer's or District's insurance, as applicable, in the event the student is injured. (~~Education Code 51760~~)

(cf. 3530 - Insurance Management)  
(cf. 5143 - Insurance)

THE SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT ANY TEACHER-COORDINATOR OF A WORK-BASED LEARNING PROGRAM POSSESSES THE APPROPRIATE CREDENTIAL ISSUED BY THE COMMISSION ON TEACHER CREDENTIALING. (5 CCR, 10075, 10080, 10100)

(cf. 4112.2 - Certification)

THE SUPERINTENDENT OR DESIGNEE SHALL MAINTAIN RECORDS RELATED TO EACH STUDENT'S PARTICIPATION IN THE DISTRICT'S WORK-BASED LEARNING PROGRAM, INCLUDING, BUT NOT LIMITED TO, THE STUDENT'S INDIVIDUALIZED TRAINING PLAN, EMPLOYMENT HOURS AND JOB SITE, WORK PERMIT IF APPLICABLE, THE EMPLOYER'S REPORT OF STUDENT'S ATTENDANCE AND JOB PERFORMANCE, THE TEACHER-COORDINATOR'S CONSULTATIONS AND OBSERVATIONS, AND REPORTS OF THE STUDENT'S GRADE AND CREDITS EARNED.

(cf. 5125 - Student Records)

**Legal Reference:****EDUCATION CODE**

35208 Liability Insurance

46144 Minimum School Day for Work Experience Program

46147 Exception for Minimum Day; Students in Last Semester or Quarter of Grade 12

46300 Method of Computing ADA

48402 Enrollment in Continuation Education, Minors not Regularly Employed

49110-49119 Permits to Work

49160 Permits to Work, Duties of Employer

51760-51769.5 Work-Based Learning

52300-52499.66 Career Technical Education

54690-54697 Partnership Academies

56026 Students with Exceptional Needs

52372.1 Community Classrooms and Cooperative Career Technical Education Programs

**LABOR CODE**

1285-1312 Employment of Minors

1391-1394 Working Hours for Minors

3070-3099.5 Apprenticeships

3200-6002 Workers' Compensation and Insurance

**CODE OF REGULATIONS, TITLE 5**

1635 Credit for Work Experience Education

10070-10075 Work Experience Education

10080-10090 Community Classrooms

10100-10111 Cooperative Career Technical Education Programs

**WORK- EXPERIENCE EDUCATION BASED LEARNING (cont.)**

UNITED STATES CODE, TITLE 20

2301-2414 Carl D. Perkins Career and Technical Education Act of 2006

CODE OF FEDERAL REGULATIONS, TITLE 29

570.35a Work Experience Programs

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Work Experience Education Guide

California Career Technical Education Model Curriculum Standards, 2013

Multiple Pathways to student success: Envisioning the New California High School, 2010

2008-2012 California State Plan for Career Technical Education, 2008

Career Technical Education Framework for California Public Schools: Grades Seven Through Twelve, 2007

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Child Labor Laws, 2013

WEST ED PUBLICATIONS

Work-Based Learning in California: Opportunities and Models for Expansion, 2009

WEBSITES

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

California Association of Work Experience Educators: [www.cawee.org](http://www.cawee.org)

California Department of Education, Work Experience Education: [www.cde.ca.gov/ci/ct/we](http://www.cde.ca.gov/ci/ct/we)

California Department of Industrial Relations: [www.dir.ca.gov](http://www.dir.ca.gov)

Linked Learning Alliance: [www.linkedlearning.org](http://www.linkedlearning.org)

WestEd: [www.wested.org](http://www.wested.org)

**Chino Valley Unified School District**

Policy adopted: August 21, 1997

Revised: June 18, 2009

REVISED:

## **WORK-BASED LEARNING**

### **Work Experience Education**

The District's Work Experience Education (WEE) program shall consist of one or more of the following types of unpaid and paid on-the-job experiences: (5 CCR 10071)

1. Exploratory WEE which provides students with a combination of RELATED classroom instruction in WEE and unpaid opportunities to observe and sample systematically a variety of conditions of work for the purpose of ascertaining their interest and suitability for the occupation they are exploring.

The length of exploratory ~~work-experience~~ WEE assignments may vary depending on the aptitude of the student, the occupation being explored, the facilities of the work station, and the job classification. A student may not participate in an exploratory ~~work-experience~~ WEE assignment if he/she receives pay for like work at the same work station or similar job outside of the WEE program.

2. General WEE which has as its purpose the application of basic skills of reading, writing, and computation, and which enables students AN OPPORTUNITY to acquire general and specific occupational skills through a combination of supervised paid employment in any occupational field and related classroom instruction in WEE.
3. Career technical WEE which reinforces and extends career learning opportunities for students through a combination of related classroom instruction in WEE and supervised paid or unpaid employment in the occupation for which their career technical course in school prepares them.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6178 - Career Technical Education)

The student-teacher ratio in the WEE program shall not exceed 125 students per full-time equivalent certificated teacher-coordinator. (Education Code 46300)

The minimum day for students enrolled in a WEE program shall be four periods totaling at least 180 minutes in duration, unless the school or student meets one of the conditions specified in Education Code 46144 or 46147. (Education Code 46144, 46147)

(cf. 6112 - School Day)

(cf. 6184 - Continuation Education)

A WEE program offered during the summer shall be conducted in the same time period

**WORK-BASED LEARNING** (cont.)

as the regular summer school program and shall conform to all appropriate laws and regulations applicable to WEE.

(cf. 6177 - Summer School)

~~The~~ EACH WEE PROGRAM SHALL OPERATE UNDER THE SUPERVISION OF A teacher-coordinator. THE TEACHER-COORDINATOR shall make at least two on-site contacts per semester with each work supervisor or at least one on-site contact during summer school to evaluate student performance. (Education Code 51764; 5 CCR 10074)

~~Participating~~ ANY students WHO IS 16 YEARS OR OLDER AND WHO SATISFACTORILY COMPLETES A WEE PROGRAM WITH A MINIMUM shall receive ~~at least the equivalent~~ of one instructional period per week of related classroom instruction or counseling by a certificated employee, in sessions scheduled intermittently throughout the semester. ~~A student,~~ shall be granted up to 40 semester periods of credit for WEE within the following limits: (Education Code 51760.3; 5 CCR 1635)

1. For exploratory WEE, the student may earn 10 semester periods for each semester, with a maximum of 20 semester periods earned in two semesters.
2. For either general or career technical WEE, the student may earn 10 semester periods for each semester, with a maximum of 40 semester periods.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

~~In order to receive credit for~~ Any student who satisfactorily ~~completes~~ completion of a general or career technical WEE program, a student shall be ~~THE ABOVE REQUIREMENTS~~ age 16 years or older. However, a student who BUT is under age 16 may be granted credit under any of the following conditions: (Education Code 51760.3)

1. The student is enrolled in grade 11 or higher.
2. THE PRINCIPAL CERTIFIES THAT THE STUDENT IS IN NEED OF IMMEDIATE WORK EXPERIENCE EDUCATION IN ORDER TO PURSUE EMPLOYMENT OPPORTUNITIES.
3. The principal certifies that, WITHOUT BEING PROVIDED AN OPPORTUNITY TO ENROLL IN THE WEE PROGRAM, THERE IS A HIGH PROBABILITY THAT the student needs the program in order to pursue employment opportunities or to encourage the student's continuing WILL NO LONGER BE enrollmentED

**WORK-BASED LEARNING** (cont.)

as a full-time student.

(cf. 5147 - Dropout Prevention)

4. THE STUDENT IS AGE 14 YEARS OR OLDER AND THE PRINCIPAL CERTIFIES THAT SUCH CREDIT IS NECESSARY FOR THE STUDENT'S PARTICIPATION IN A CAREER TECHNICAL EDUCATION (CTE) PROGRAM.
5. The student is ~~a student with disabilities who~~ has an individualized education program (IEP) WHICH prescribes the type of training for which participation in a WEE program is deemed appropriate.

(cf. 6159 - Individualized Education Program)

**Cooperative Career Technical Education Program/Community Classrooms**

To be eligible for program participation, a student shall be concurrently enrolled in a ~~career technical education (CTE)~~ course or program approved by the California Department of Education and shall meet other criteria specified in 5 CCR 10103 as applicable. (5 CCR 10082, 10103)

~~Related classroom instruction shall be provided in a~~ At least one instructional period per week, SHALL BE PROVIDED TO PARTICIPATING STUDENTS. EACH CTE PERIOD SHALL BE ~~instructional with a minimum~~ equivalent TO A MINIMUM of three REGULAR CLASSROOM instructional periods of at least 50 minutes each per week. (5 CCR 10085, 10106)

Teachers assigned to the program shall locate and select training stations to provide participating students with unpaid on-the-job learning experiences in the specific occupation related to the approved course or program. (5 CCR 10086, 10107)

**Cooperative CTE Program**

The cooperative CTE program teacher shall make at least one visitation every four weeks to each employer to ensure that the provisions of the training agreement are being met and that students are acquiring the competencies identified in their individual

training plans. One out of every two visits to the training station shall include an observation of the student engaged in on-the-job training experiences. (5 CCR 10109)

## **WORK-BASED LEARNING (cont.)**

### **Community Classrooms**

The community classroom teacher shall make at least one visitation every three weeks to consult with the work supervisor, observe students at the training station, provide instruction, and ensure that students are acquiring the competencies identified in their individual training plans. Each visitation shall include an observation of the student engaged in on-the-job training experiences. (5 CCR 10088)

Students shall be granted academic credit for satisfactory completion of the program. The teacher shall be responsible for evaluating the student's PERFORMANCE IN THE CTE COURSE AND, WITH THE ASSISTANCE OF THE EMPLOYER, the student's participation at the training station. (5 CCR 10081, 10102)

### **Job Shadowing**

The program coordinator shall identify job shadowing placements with the goal of providing students with exposure to a broad range of career options and employment settings.

The program coordinator shall supervise job shadowing activities, including the coordination of the student's and employer's schedules and consultation with the student's other teachers when necessary.

Participating students may attend job shadowing opportunities for UP TO 25 HOURS BUT no less than three hours ~~and no more than 25 hours~~ in one semester, intersession, or summer school session. HOWEVER, A STUDENT MAY BE PERMITTED TO PARTICIPATE FOR UP TO 40 HOURS IN ONE SEMESTER, INTERSESSION, OR SUMMER SCHOOL SESSION, IF THE PRINCIPAL CERTIFIES THAT IT IS NECESSARY FOR THE STUDENT'S PARTICIPATION IN A CTE PROGRAM. (Education Code 51769)

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

Regulation approved: June 18, 2009

Revised: July 19, 2012

REVISED:



**Chino Valley Unified School District**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Grace Park, Ed.D., Assistant Superintendent, Curriculum,  
Instruction, Innovation, and Support  
**SUBJECT: SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS  
WILLIAMS FINDINGS DECILE 1-3 SCHOOLS FOURTH  
QUARTERLY REPORT 2016/2017**

=====  
**BACKGROUND**

California Education Code 1240 requires that the San Bernardino County Superintendent of Schools visit all decile 1-3 schools (Williams monitored schools currently based on the 2012 Academic Performance Index and all Quality Education Investment Act schools) identified in the county and report the results of findings on a quarterly basis to ensure compliance with the Williams Legislation. The San Bernardino County Superintendent of Schools office is required to file quarterly reports on schools progress in rectifying any findings.

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 San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Fourth Quarterly Report 2016/2017.

**FISCAL IMPACT**

None.

WMJ:GP:rtt



July 25, 2017

Mr. Wayne M. Joseph, Superintendent  
Chino Valley Unified School District  
5130 Riverside Drive  
Chino, CA 91710

Dear Mr. Joseph,

California Education Code section 1240 requires that I annually visit all deciles 1-3 schools (*Williams* monitored schools currently based on the 2012 Academic Performance Index [API]) identified in our county and report to you the results of my findings on a quarterly basis (October, January, April, and July). This report serves as your district's *fourth quarterly report* for the 2016/17 fiscal year. Please agendaize for your next regularly scheduled Board meeting.

In summary, there are no findings to report in the following areas:

**1. Instructional Materials**

The instructional materials sufficiency reviews were conducted during the first quarter of the 2016/17 fiscal year as part of the *Williams* site visitations and the findings were reported in the first quarterly reports generated in October 2016.

**2. School Facilities**

The facilities inspections were conducted during the first quarter of the 2016/17 fiscal year as part of the *Williams* site visitations and the findings were reported in the first quarterly reports generated in October 2016.

**3. School Accountability Report Cards (SARC)**

The SARC reviews took place during the second quarter and the findings were reported in January 2017.

My findings are as follows:

**4. Teacher Assignments**

The annual teacher assignment monitoring and review process began November 7, 2016, and concluded by report to the California Commission on Teacher Credentialing on July 1, 2017. Please see enclosure for teacher assignment monitoring findings. Keep in mind that the totals in columns B and C reflect numbers of individual class periods – not the number of teachers.

**It has been a pleasure to work in partnership with you and the staff of the Chino Valley Unified School District.**

**Sincerely,**



**Ted Alejandre**  
**County Superintendent**

**cc: Ms. Sylvia Orozco, Board President**  
**Dr. Grace Park, Williams Liaison**  
**Mr. Richard De Nava, SBCSS Assistant Superintendent, Business Services**  
**Ms. Barbara Alejandre, SBCSS Chief Intergovernmental Relations Officer**  
**Ms. Supriya Barrows, SBCSS Legislative Services Manager**  
**Ms. Cheryln Varela, SBCSS Credentials Manager**

**Chino Valley Unified School District  
Williams Teacher Assignment Monitoring Data  
2016/17 Fiscal Year**

2012 API Cohort District	School Name	Enrollment	EL Enrollment	2012 Decile	(A)	(B)	(C)
					Number of classes with 20% or more English Learners	Number of (A) with a teacher holding appropriate English Learner Authorization	Number of (A) with a teacher not holding appropriate English Learner Authorization
Chino Valley Unified	Borba (Anna A.) Fundamental Elementary	543	246	3	28	28	0
Chino Valley Unified	Chino High	2071	189	3	66	66	0
Chino Valley Unified	Dickson Elementary	603	174	3	21	21	0
Chino Valley Unified	Marshall (E. J.) Elementary	458	113	3	12	12	0
Chino Valley Unified	Ramona Junior High	552	68	3	28	28	0
Chino Valley Unified	Walnut Avenue Elementary	682	277	2	25	25	0
		<b>4,910</b>	<b>1,067</b>		<b>178</b>	<b>178</b>	<b>0</b>

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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 7214 FACILITIES–GENERAL OBLIGATION BONDS**

=====

**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 7214 Facilities–General Obligation Bonds is being updated to reflect new laws.

Policy updated to reflect new law (SB 1029, 2016) which requires the Board to adopt a debt management policy prior to issuing any debt, including a general obligation bond, and to certify to the California Debt and Investment Advisory Commission that any proposed issuance of debt is consistent with the District’s policy. Policy also reflects new law (AB 2116, 2016) which requires the Board to obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor, and new law (AB 2738, 2016) which prohibits districts from withdrawing proceeds from bond sales at any time for the purpose of making investments outside the county treasury. Policy also adds caution that some uses of bond proceeds that are specified in the Education Code for bond elections with a 66.67 percent threshold may be inconsistent with the California Constitution and encourages consultation with legal counsel.

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 7214 Facilities–General Obligation Bonds.

**FISCAL IMPACT**

None.

**GENERAL OBLIGATION BONDS**

The Board of Education recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the District's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of District students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

(cf. 1160 - Political Processes)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7210 - Facilities Financing)

~~The Board shall determine the appropriate amount of the bond in accordance with law.~~  
THE BOARD'S DECISION TO ORDER A BOND ELECTION, AS WELL AS ITS DETERMINATIONS REGARDING THE APPROPRIATE AMOUNT, TIMING, AND STRUCTURE OF THE BOND ISSUANCE, SHALL BE CONSISTENT WITH LAW AND THE DISTRICT'S DEBT MANAGEMENT POLICY.

(cf. 3470 - Debt Issuance and Management)

BEFORE ORDERING A BOND ELECTION, THE BOARD SHALL OBTAIN REASONABLE AND INFORMED PROJECTIONS OF ASSESSED VALUATIONS THAT TAKE INTO CONSIDERATION PROJECTIONS OF ASSESSED PROPERTY VALUATIONS MADE BY THE COUNTY ASSESSOR. (Education Code 15100)

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

**Bonds Requiring 55 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

(cf. 9323.2 - Actions by the Board)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the ~~school~~ District are entitled to vote. (Education Code 15266)

**GENERAL OBLIGATION BONDS (cont.)**

Bonded indebtedness incurred by the District shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities.
2. The acquisition or lease of real property for school facilities.
3. The refunding of any outstanding debt issuance used for the purposes specified in items 1 and 2 above.

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. ~~A requirement~~ CERTIFICATION that proceeds from the sale of the bonds be used only for the purposes specified in items 1 and 2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses.
2. A list of specific school facility~~IES~~ projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list.

(cf. 0440 - District Technology Plan)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 6151 - Class Size)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

If a District general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

## **GENERAL OBLIGATION BONDS (cont.)**

(cf. 1220 - Citizen Advisory Committees)

(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items 3 and 4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

### **Bonds Requiring 66.67 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the District, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

SUBJECT TO LIMITS SPECIFIED IN ARTICLE 13A, SECTION 1 OF THE CALIFORNIA CONSTITUTION, Bonds shall be sold to raise money for ANY OF the following purposes: (Education Code 15100)

1. Purchasing school lots.
2. Building or purchasing school buildings.
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs.



**GENERAL OBLIGATION BONDS (cont.)**

4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity.
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature.
6. Permanently improving school grounds.
7. Refunding any outstanding valid indebtedness of the District, evidenced by bonds or state school building aid loans.
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577.
9. Purchasing school buses with a useful life of at least 20 years.
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location.

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by AN order of the Board and entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

**Certificate of Results**

If the certificate of election results received by the Board shows that the appropriate majority of the voters are in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

**Resolutions Regarding Sale of Bonds**

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

**GENERAL OBLIGATION BONDS (cont.)**

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall ~~disclose~~ PLACE as an agenda item at a public meeting ~~either in~~ AND ADOPT AS PART OF the bond issuance resolution or IN a separate resolution, DISCLOSURES OF THE available funding instruments, the costs and ~~suitability~~ SUSTAINABILITY of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid).
2. Statement of the reasons for the method of sale selected.
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected.
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds.

When the sale involves bonds that allow for the compounding of interest, such as a Capital Appreciation Bond (CAB), THE RESOLUTION TO BE ADOPTED BY THE BOARD SHALL INCLUDE items 1 through 4 above AS WELL AS ~~and~~ the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the District over the term of the bonds. ~~shall be included in the resolution to be adopted by the Board.~~ The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest.
2. A comparison to the overall cost of current interest bonds.

**GENERAL OBLIGATION BONDS (cont.)**

3. The reason bonds that allow for the compounding of interest are being recommended.
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the Federal Municipal Securities Rulemaking Board.

AT LEAST 30 DAYS PRIOR TO THE SALE OF ANY DEBT ISSUE, THE SUPERINTENDENT OR DESIGNEE SHALL SUBMIT A REPORT OF THE PROPOSED ISSUANCE TO THE CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION (CDIAC). (Government Code 8855)

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the ~~California Debt and Investment Advisory Commission~~ CDIAC. (Education Code 15146; Government Code 53509.5)

**Bond Anticipation Notes**

Whenever the Board determines that it is in the best interest of the District, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the District in accordance with law. (Education Code 15150)

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the District to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

## **GENERAL OBLIGATION BONDS (cont.)**

### **DEPOSIT OF BOND PROCEEDS**

WITH REGARD TO GENERAL OBLIGATION BONDS, THE DISTRICT SHALL INVEST NEW MONEY BOND PROCEEDS IN THE COUNTY TREASURY POOL AS REQUIRED BY LAW. (Education Code 15146)

#### **Legal Reference:**

##### EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

##### ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

1302 Local election

15372 Elections official certificate

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

8855 California Debt and Investment Advisory Commission

53506-53509.5 General obligation bonds

53580-53595.5 Bonds

54952 Definition of legislative body, Brown Act

##### CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

##### CODE OF FEDERAL REGULATIONS, TITLE 17

240.10b-5 Prohibition against fraud or deceit

240.15c-12 Municipal securities disclosure

##### COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356

##### ATTORNEY GENERAL OPINIONS

99 Ops.Cal.Atty.Gen. 18 (2016)

88 Ops.Cal.Atty.Gen. 46 (2005)

87 Ops.Cal.Atty.Gen. 157 (2004)

#### **Management Resources:**

##### CSBA PUBLICATIONS

California's Challenge: Adequately Funding Education in the 21<sup>st</sup> Century, December 2015

Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

**GENERAL OBLIGATION BONDS (cont.)**

GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS

An Elected Official's Guide to Debt Issuance, 2<sup>nd</sup> Ed., 2016

Understanding Your Continuing Disclosure Responsibilities, Best Practice, September 2015

Investment of Bond Proceeds, Best Practice, September 2014

Selecting and Managing Municipal Advisors, Best Practice, February 2014

Debt Management Policy, Best Practice, October 2012

Analyzing and Issuing Refunding Bonds, Best Practice, February 2011

WEBSITES

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

California Debt and Investment Advisory Commission: [www.treasurer.ca.gov/cdiac](http://www.treasurer.ca.gov/cdiac)

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

California Office of Public School Construction: [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov)

Government Finance Officers Association: [www.gfoa.org](http://www.gfoa.org)

Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA): [www.emma.msrb.org](http://www.emma.msrb.org)

**Chino Valley Unified School District**

Policy Adopted: October 2, 2008

Revised: November 15, 2012

Revised: March 7, 2013

Revised: March 20, 2014

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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 AND ADMINISTRATIVE  
REGULATION 3311 BUSINESS AND NONINSTRUCTIONAL  
OPERATIONS – BIDS**

=====

**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.

Language formerly included in Board Policy and Administrative Regulation 3311.1 Business and Noninstructional Operations – Pre-Qualification of Bidders, and 3311.2 Business and Noninstructional Operations – Change Order Procedure is now included in Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations – Bids.

New language is provided in UPPER CASE while old policy language 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 and Administrative Regulation 3311 Business and Noninstructional Operations – Bids.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

## **BIDS**

The Board of Education is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the District, including when contracting for public projects involving District facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the District, such contracts shall be made using competitive bidding.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3000 - Concepts and Roles)  
(cf. 3230 - Federal Grant Funds)  
(cf. 3300 - Expenditures and Purchases)  
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)  
(cf. 3311.2 - Lease-Leaseback Contracts)  
(cf. 3311.3 - Design-Build Contracts)  
(cf. 3311.4 - Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the District in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts, which by law or Board policy require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

(cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specification clearly describes in appropriate detail the quality, delivery, and service required, and include all information which the District knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

**BIDS (cont.)**

When the Board has determined that it is in the best interest of the District, the District may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property to the extent authorized by law. (Public Contract Code 20118)

**PRE-QUALIFICATION OF BIDDERS**

FOR ALL PUBLIC WORKS PROJECTS WITH AN ESTIMATED COST OF \$1,000,000 OR MORE, PROSPECTIVE BIDDERS IN THE CHINO VALLEY UNIFIED SCHOOL DISTRICT SHALL COMPLETE A PRE-QUALIFICATION OF BIDDERS PROCEDURE AS AUTHORIZED BY THE PUBLIC CONTRACTS CODE SECTIONS 20111.5, 1101. NOT MEETING THE DISTRICT'S REQUIREMENTS WILL RESULT IN FAILURE TO PRE-QUALIFY.

**CHANGE ORDER PROCEDURE**

THE BOARD OF EDUCATION RECOGNIZES THAT DURING CONSTRUCTION THERE MAY BE UNANTICIPATED OR UNFORESEEN CONDITIONS WHICH COULD NOT REASONABLY BE EXPECTED TO BE IDENTIFIED DURING THE DESIGN AND BIDDING PROCESSES, AND THAT THESE CONDITIONS MAY REQUIRE CHANGES TO A PROJECT'S ORIGINAL PLANS AND SPECIFICATIONS.

THE BOARD OF EDUCATION ALSO RECOGNIZES THAT OPPORTUNITIES TO INCREASE THE VALUE OF A CONSTRUCTION PROJECT MAY ARISE DURING THE CONSTRUCTION PHASE. SUCH OPPORTUNITIES MAY REQUIRE CHANGES TO A PROJECT'S ORIGINAL PLANS AND SPECIFICATIONS.

SUCH MODIFICATIONS OF EXISTING AGREEMENTS ARE KNOWN AS "CHANGE ORDERS." THE SUPERINTENDENT WILL DEVELOP ADMINISTRATIVE REGULATIONS TO ESTABLISH CHANGE ORDER PROCEDURES.

**Legal Reference:**

EDUCATION CODE

- 17070.10-17079.30 Leroy F. Greene School Facilities Act
- 17250.10-17250.55 Design-build contracts
- 17406 Lease-leaseback contract
- 17595 Purchase of supplies through Department of General Services
- 17602 Purchase of surplus property from federal agencies
- 38083 Purchase of perishable foodstuffs and seasonable commodities
- 38110-38120 Apparatus and supplies
- 39643 Purchases through Department of General Services
- 39802 Bids and Contracts for Services
- 39873 Purchases of Perishable Foodstuffs and Seasonable Commodities



**BIDS (cont.)**

40000 Purchases of Supplies through County Superintendent

40001 Purchases by District Governing Board

40002 Purchases of Other than Standard Supplies

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor

7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts

4330-4334 Preference for California-made materials

6252 Definition of public record

53060 Special services and advice

54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies

2000-2002 Responsive bidders

3000-3010 Roofing projects

3400 Bids, specifications by brand or trade name not permitted

3410 United States produce and processed foods

4113 Prime contractor; subcontractor

6610 Bid visits

12161 Definitions

12168 Preferences for Purchase of Recycled Paper Products

12169 Bidders to Specify Percentage of Recycled Paper Product

12200 Definitions, recycled goods, materials and supplies

12210 Purchases of Recycled Products Preferred

12213 Specifications by Bidder of Recycled Content

20101-20103.7 Public construction projects, requirements for bidding

20103.8 Award of contracts

20107 Bidder's Security

20110-20118.4 Local Agency Public Constructions Act; school districts

20129 Bidder's Security; Performance Bond

20189 Bidder's security, earthquake relief

22000-22045 Alternative procedures for public projects (UPCCAA)

22152 Recycled product procurement

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

**Management Resources:**

WEBSITES

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

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

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

California Department of General Services: [www.dgs.ca.gov](http://www.dgs.ca.gov)

**BIDS** (cont.)

**Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: April 19, 2001

Revised: November 16, 2006

Revised: September 18, 2008

Revised: January 16, 2014

Revised: February 2, 2017

Revised: April 6, 2017

REVISED:

## **BIDS**

### **Advertised/Competitive Bids**

The District shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

(cf. 3311.2 - Lease-Leaseback Contracts)

(cf. 3311.3 - Design-Build Contracts)

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:

- a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district

(cf. 3230 - Federal Grant Funds)

(cf. 3311.4 - Procurement of Technological Equipment)

- b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters

- c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a District facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

**BIDS (cont.)****Instructions and Procedures for Advertised Bids**

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the District, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the District's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

(cf. 1113 - District and School Websites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. All bids for construction work shall be presented under sealed cover. The District may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the District, a certified check made payable to the District, or a bid bond executed by an admitted surety insurer and made payable to the District. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the District, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

**BIDS** (cont.)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item "a"-below shall be used. (Public Contract Code 20103.8)
  - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
  - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
  - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the District before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the District before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. In determining the lowest bid, the District shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
  - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the determination.

**BIDS (cont.)**

- b. When the lowest bidder is determined to be nonresponsible, the Superintendent or designee shall notify the bidder of his/her right to present evidence of his/her responsibility at a hearing before the Board.
8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

**Prequalification Procedure**

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000.00 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the District shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in public contract Code 4113 or business and professions code 7056, or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the District five or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.

**BIDS (cont.)**

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors, and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the District may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the District at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

**Award of Contract**

The District shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000.00, and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of A students who is to be transported, in which case the Board may contract with other than the lowest bidder. (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements. (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406

(cf. 3311.2 - Lease-Leaseback Contracts)

**BIDS (cont.)**

5. When procuring a design-build contract for a public works project in excess of \$1,000,000.00 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the District, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

(cf. 3311.3 - Design-Build Contracts)

**Protests by Bidders**

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

**Limitation on use of Sole Sourcing**

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern.
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service.



**BIDS (cont.)**

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification.

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use.
2. To match others in use on a particular public improvement that has been completed or is in the course of completion.
3. To obtain a necessary item that is only available from one source.
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP.

(cf. 9323.2 - Actions by the Board)

**Bids Not Required**

Without advertising for bids and upon a determination that it is in the best interest of the District, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the District in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the District may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

**BIDS (cont.)**

(cf. 3300 - Expenditures and Purchases)  
(cf. 3512 - Equipment)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the District and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost and savings comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)  
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6161.11 - Supplementary Instructional Materials)  
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The District may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

**BIDS (cont.)****PRE-QUALIFICATION OF BIDDERS**

THE DISTRICT SHALL REQUIRE PROSPECTIVE BIDDERS, INCLUDING CERTAIN CASES, WHERE MERITED, MAJOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS, AS SUCH TERM IS DEFINED IN THE PUBLIC CONTRACTS CODE, WITH AN ESTIMATED COST OF \$1,000,000 OR MORE, TO FURNISH SUFFICIENT PROOF OF MINIMUM PUBLIC WORKS EXPERIENCE. SUCH MINIMUM EXPERIENCE MUST CONSIST OF RESPONSIBILITY FOR THE SUCCESSFUL COMPLETION OF AT LEAST TWO PUBLIC PROJECTS. THE SIZE OF EACH PROJECT MUST EQUAL AT LEAST 80% OF ESTIMATED CONSTRUCTION COSTS OF THE PROJECT(S) TO BE BID AND MUST HAVE BEEN COMPLETED DURING THE PAST FIVE YEARS. NOT MEETING THE DISTRICT'S REQUIREMENTS WILL RESULT IN FAILURE TO PRE-QUALIFY.

ALONG WITH PROOF OF THE MINIMUM EXPERIENCE REQUIREMENT, THE PROSPECTIVE BIDDER SHALL COMPLETE A STANDARD FORM QUESTIONNAIRE AND FINANCIAL STATEMENT AND SHALL SUBMIT ANY REQUIRED DOCUMENTATION ALONG WITH THE QUESTIONNAIRE AND FINANCIAL STATEMENT. WHEN COMPLETED, THE QUESTIONNAIRE AND FINANCIAL STATEMENT SHALL BE CERTIFIED UNDER OATH BY THE BIDDER IN THE MANNER IN WHICH PLEADINGS IN CIVIL ACTIONS ARE VERIFIED.

THE DISTRICT SHALL APPLY A UNIFORM SYSTEM OF RATING PRE-QUALIFIED BIDDERS, ON THE BASIS OF THE STANDARD QUESTIONNAIRES AND FINANCIAL STATEMENTS. THE UNIFORM SYSTEM MAY BE MODIFIED FROM TIME-TO-TIME BY DISTRICT STAFF.

WHEN THE STANDARD QUESTIONNAIRES AND FINANCIAL STATEMENTS ARE USED, A REPORT IDENTIFYING THE PRE-QUALIFIED BIDDERS BY TYPE AND SIZE OF CONTRACT SHALL BE SUBMITTED TO THE BOARD OF EDUCATION FOR APPROVAL. THE QUESTIONNAIRES AND FINANCIAL STATEMENTS ARE NOT PUBLIC RECORDS AND NOT OPEN TO PUBLIC INSPECTION.

QUESTIONNAIRES AND FINANCIAL STATEMENTS APPROVED BY THE BOARD OF EDUCATION SHALL BE VALID FOR NO MORE THAN TWELVE MONTHS. NOTWITHSTANDING THIS, THE DISTRICT MAY, FOR ANY GIVEN PROJECT, REQUIRE ALL PRE-QUALIFIED BIDDERS TO SUBMIT A NEW OR REVISED QUESTIONNAIRE AND UPDATED FINANCIAL STATEMENT IF DEEMED NECESSARY OR DESIRABLE.

**BIDS (cont.)**

BIDS SHALL NOT BE ACCEPTED FROM ANY PERSON OR OTHER ENTITY WHO IS REQUIRED TO COMPLETE A QUESTIONNAIRE AND FINANCIAL STATEMENT FOR PRE-QUALIFICATION PURSUANT TO THIS BOARD POLICY, BUT HAS NOT DONE SO, AT LEAST FIVE DAYS PRIOR TO THE DATE FIXED FOR THE PUBLIC OPENING OF SEALED BIDS OR HAS NOT BEEN PRE-QUALIFIED FOR AT LEAST ONE DAY PRIOR TO THAT DATE.

**CHANGE ORDER PROCEDURE**

THE PROCESS OF MODIFYING AN EXISTING AGREEMENT IS KNOWN AS A "CHANGE ORDER." FOR THE PURPOSE OF CONTROLLING DISTRICT CONSTRUCTION COSTS, ALL CHANGE ORDERS SHALL BE CLOSELY MONITORED BY THE DISTRICT, ITS ARCHITECTS AND CONSULTANTS. THE NEED FOR A CHANGE ORDER REQUEST MAY BE IDENTIFIED BY DISTRICT STAFF, THE ARCHITECT, INSPECTOR OR GENERAL CONTRACTOR.

THERE ARE A NUMBER OF ACCEPTABLE REASONS CHANGE ORDERS OCCUR. THESE TYPES OF CHANGES ARE EITHER BEYOND THE CONTROL OF THE DISTRICT, OR RESULT IN ADDITIONAL VALUE TO THE DISTRICT. FOR EXAMPLE:

1. WEATHER CONDITIONS CAN DELAY A PROJECT FORCING A CONTRACTOR TO REQUEST A CONTRACT EXTENSION TO COMPLETE THE JOB.
2. MATERIALS SPECIFIED IN THE ORIGINAL BID ARE DISCONTINUED BY A SUPPLIER AND A SUBSTITUTE MUST BE FOUND.
3. WHEN CONTRACT CHANGES ARE A RESULT OF ACTIONS OR REQUIREMENTS OF ANOTHER GOVERNMENTAL AGENCY, UTILITY COMPANY, OR ARE CONSIDERED TO BE CAUSED BY "AN ACT OF GOD," EXISTING CONSTRUCTION AGREEMENTS MAY BE AMENDED.
4. EXISTING SITE CONDITIONS REASONABLY UNFORESEEABLE BY THE ARCHITECT AND/OR CONTRACTOR CAN RESULT IN ADDITIONAL TIME OR COST ADDED TO THE PROJECT.
5. CONTRACTOR ENGAGES IN VALUE ENGINEERING WHILE STILL DELIVERING THE EXPECTED OUTCOME AT NO ADDITIONAL COST OR SAVINGS TO THE DISTRICT.

THE DISTRICT WILL EXPECT THE VENDOR TO BE FULLY RESPONSIBLE FOR THE FOLLOWING TYPES OF CHANGE ORDERS:

1. OMISSIONS IN THE ARCHITECT'S PLANS AND SPECIFICATIONS FOR THE PROJECT FOR THE PROJECT WHICH COULD REASONABLY BE ASCERTAINED PRIOR TO THE REQUEST FOR BIDS.

**BIDS (cont.)**

2. OMISSIONS IN THE CONTRACTOR'S SUBMITTED BID WHICH COULD REASONABLY BE ASCERTAINED PRIOR TO THE BID SUBMITTAL.

EFFORTS WILL BE MADE TO REDUCE OR MINIMIZE CHANGE ORDERS GENERATED TO MAKE COSMETIC OR NON-ESSENTIAL CHANGES REQUESTED BY STAFF THAT RESULT IN ADDED COSTS TO THE PROJECT.

THE FOLLOWING CHANGE ORDER PROCESS WILL BE USED IN THE CHINO VALLEY UNIFIED SCHOOL DISTRICT.

WHEN POSSIBLE, REQUEST FOR CHANGE ORDERS WILL BE INCLUDED AS PART OF THE REGULAR CONSTRUCTION MEETINGS WITH THE ARCHITECT, GENERAL CONTRACTOR, INSPECTOR, AND DISTRICT STAFF.

A REQUEST TO PROCEED WITH A CHANGE ORDER WILL BE SUBMITTED BY THE ARCHITECT IN AN ELECTRONIC FORMAT TO THE DISTRICT OUTLINING THE NEED AND RATIONALE FOR THE CHANGE. THE CHANGE ORDER WILL BE SUBMITTED TO THE DIRECTOR OF MAINTENANCE, OPERATIONS, AND CONSTRUCTION, WHO WILL REVIEW THE REQUEST AND MAKE A RECOMMENDATION TO THE SUPERINTENDENT/DESIGNEE TO APPROVE OR DENY THE CHANGE ORDER REQUEST.

WHEN POSSIBLE, ALL CHANGE ORDERS WILL BE PRESENTED TO THE BOARD OF EDUCATION FOR APPROVAL, RATHER THAN RATIFICATION. HOWEVER, THE DISTRICT RECOGNIZES THAT A DECISION ON CHANGE ORDERS MAY NEED TO BE MADE PRIOR TO BOARD APPROVAL IN ORDER NOT TO DELAY OR STOP WORK ON THE PROJECT. THE NEED TO PROCEED WITH A CHANGE ORDER CAN BE ESPECIALLY EVIDENT WHEN THE TIMETABLE AFFECTS THE OPENING OF A SCHOOL OR OTHER SCHEDULE REQUIREMENTS. IN INSTANCES WHERE THE BOARD OF EDUCATION WILL BE ASKED TO RATIFY RATHER THAN APPROVE A CHANGE ORDER, STAFF WILL COMMUNICATE THIS INFORMATION AND COST IN A TIMELY MANNER TO THE BOARD OF EDUCATION.

**Chino Valley Unified School District**

Regulation approved: November 16, 1995

Revised: April 19, 2001

Revised: July 1, 2004

Revised: November 2, 2006

Revised: September 4, 2008

**BIDS** (cont.)

Revised: January 20, 2011  
Revised: December 12, 2013  
Revised: November 19, 2015  
Revised: December 15, 2016  
Revised: March 16, 2017  
REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**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 AND ADMINISTRATIVE REGULATION 3311.1 BUSINESS AND NONINSTRUCTIONAL OPERATIONS – PRE-QUALIFICATION OF BIDDERS**

=====

**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.

Revision of Board Policy and Administrative Regulation 3311.1 Business and Noninstructional Operations – Pre-Qualification of Bidders now include material formerly in Board Policy and Administrative Regulation 3311 – Bids pertaining to requirements of the Uniform Public Construction Cost Accounting Act (UPCCAA). Policy also adds prohibition against splitting a project or purchase into smaller work orders in order to evade requirements for competitive bidding, and legal authority to suspend the UPCCAA bidding process for the replacement or repair of a school facility in cases of emergency. Regulation also clarifies the requirement to disseminate the bid notice to the District’s list of contractors.

New language is provided in UPPER CASE while old policy language 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 and Administrative Regulation 3311 Business and Noninstructional Operations – Prequalification of Bidders.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS**

IN AWARDING CONTRACTS FOR PUBLIC WORKS PROJECTS INVOLVING DISTRICT FACILITIES, THE BOARD OF EDUCATION DESIRES TO OBTAIN THE BEST VALUE TO THE DISTRICT AND ENSURE THE QUALIFICATIONS OF CONTRACTORS TO COMPLETE THE PROJECT IN A SATISFACTORY MANNER. THE BOARD HAS, BY RESOLUTION, ADOPTED THE PROCEDURES SET FORTH IN THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PURSUANT TO PUBLIC CONTRACT CODE 22030-22045, INCLUDING THE INFORMAL BIDDING PROCEDURES WHEN ALLOWED BY LAW.

(cf. 3311 - Bids)

(cf. 7110 - Facilities Master Plan)

THE BOARD DELEGATES TO THE SUPERINTENDENT OR DESIGNEE THE RESPONSIBILITIES TO AWARD ANY CONTRACT ELIGIBLE FOR INFORMAL BIDDING PROCEDURES AND TO DEVELOP PLANS, SPECIFICATIONS, AND WORKING DETAILS FOR ALL PUBLIC PROJECTS REQUIRING FORMAL BIDDING PROCEDURES.

NO WORK, PROJECT, SERVICE, OR PURCHASE SHALL BE SPLIT OR SEPARATED INTO SMALLER WORK ORDERS OR PROJECTS FOR THE PURPOSE OF EVADING LEGAL REQUIREMENTS FOR COMPETITIVE BIDDING. (Public Contract Code 22033)

PROJECTS AWARDED THROUGH THE UPCCAA SHALL BE SUBJECT TO THE COST ACCOUNTING PROCEDURES ESTABLISHED BY THE CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION. (Public Contract Code 22030)

WHEN FORMAL BIDS ARE REQUIRED BY LAW BUT AN EMERGENCY NECESSITATES IMMEDIATE REPAIR OR REPLACEMENTS, THE BOARD MAY, UPON A FOUR-FIFTHS VOTE OF THE BOARD, PROCEED TO REPLACE OR REPAIR A FACILITY WITHOUT ADOPTING PLANS, SPECIFICATION, STRAIN SHEETS, OR WORKING DETAILS OR GIVING NOTICE FOR BIDS TO LET CONTRACTS. THE WORK MAY BE DONE BY DAY LABOR UNDER THE DIRECTION OF THE BOARD AND/OR CONTRACTOR. THE EMERGENCY ACTION SHALL SUBSEQUENTLY BE REVIEWED BY THE BOARD IN ACCORDANCE WITH PUBLIC CONTRACT CODE 22050 AND SHALL BE TERMINATED AT THE EARLIEST POSSIBLE DATE THAT CONDITIONS WARRANT, SO THAT THE REMAINDER OF THE EMERGENCY ACTION MAY BE COMPLETED BY GIVING NOTICE FOR BIDS TO LET CONTRACTS. (Public Contract Code 1102, 22035, 22050)

(cf. 9323.2 - Actions by the Board)



**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS (cont.)**

~~For all public works projects with an estimated cost of \$1,000,000 or more, prospective bidders in the Chino Valley Unified School District shall complete a pre-qualification of bidders procedure as authorized by the Public Contracts Code Sections 20111.5, 1101. Not meeting the District's requirements will result in failure to pre-qualify.~~

**Legal Reference:**

PUBLIC CONTRACT CODE

1102 Definition of emergency

20110-20118.4 Local Agency Public Construction Act; school districts

22000-22020 California Uniform Construction Cost Accounting Commission

22030-22045 Alternative procedures for public projects (UPCCAA), especially:

22032 Applicability of procedures based on amount of project

22034 Informal bidding procedure

22035 Emergency need for repairs or replacement

22037-22038 Formal bidding procedures for projects exceeding \$175,000

22050 Alternative emergency procedures

**Management Resources:**

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS

Cost Accounting Policies and Procedures Manual

Frequently Asked Questions

WEBSITES

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

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

California Uniform Construction Cost Accounting Commission: [www.sco.ca.gov/ard\\_cuccac.html](http://www.sco.ca.gov/ard_cuccac.html)

**Chino Valley Unified School District**

Policy adopted: November 16, 1995

Revised: October 6, 2005

Revised: November 16, 2006

Revised: September 18, 2008

REVISED:

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS**

PROCEDURES FOR AWARDING CONTRACTS FOR PUBLIC WORKS PROJECTS SHALL BE DETERMINED ON THE BASIS OF THE AMOUNT OF THE PROJECT, AS FOLLOWS:

1. PUBLIC PROJECTS OF \$45,000 OR LESS MAY BE PERFORMED BY DISTRICT EMPLOYEES BY FORCE ACCOUNT, NEGOTIATED CONTRACT, OR PURCHASE ORDER. (Public Contract Code 22032)
  
2. CONTRACTS FOR PUBLIC PROJECTS OF \$175,000 OR LESS MAY BE AWARDED THROUGH THE FOLLOWING INFORMAL PROCEDURES: (Public Contract Code 22032, 22034, 22038)
  - A. THE SUPERINTENDENT OR DESIGNEE SHALL MAINTAIN A LIST OF QUALIFIED CONTRACTORS, IDENTIFIED ACCORDING TO CATEGORIES OF WORK.
  
  - B. THE SUPERINTENDENT OR DESIGNEE SHALL PREPARE A NOTICE INVITING INFORMAL BIDS WHICH DESCRIBES THE PROJECT IN GENERAL TERMS, EXPLAINS HOW TO OBTAIN MORE INFORMATION ABOUT THE PROJECT, AND STATES THE TIME AND PLACE FOR SUBMISSION OF BIDS. THE NOTICE SHALL BE DISSEMINATED BY MAIL, FAX, OR EMAIL TO ALL CONTRACTORS ON THE DISTRICT'S LIST FOR THE CATEGORY OF WORK BEING BID, UNLESS THE PRODUCT OR SERVICE IS PROPRIETARY, AT LEAST 10 CALENDAR DAYS BEFORE BIDS ARE DUE. IN ADDITION, THE SUPERINTENDENT OR DESIGNEE MAY MAIL, FAX, OR EMAIL A NOTICE INVITING INFORMAL BIDS TO ALL CONSTRUCTION TRADE JOURNALS IDENTIFIED PURSUANT TO Public Contract Code 22036.
  
  - C. THE DISTRICT SHALL REVIEW THE INFORMAL BIDS AND AWARD THE CONTRACT, EXCEPT THAT:
    - (1) IF ALL BIDS RECEIVED THROUGH THE INFORMAL PROCESS ARE IN EXCESS OF \$175,000, THE CONTRACT MAY BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER, PROVIDED THAT THE BOARD OF EDUCATION ADOPTS A RESOLUTION WITH A FOUR-FIFTHS VOTE TO AWARD THE CONTRACT AT \$187,500 OR LESS AND THE BOARD DETERMINES THE DISTRICT'S COST ESTIMATE IS REASONABLE.

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS (cont.)**

- (2) IF NO BIDS ARE RECEIVED THROUGH THE INFORMAL BID PROCEDURE, THE PROJECT MAY BE PERFORMED BY DISTRICT EMPLOYEES BY FORCE ACCOUNT OR NEGOTIATED CONTRACT.
3. PUBLIC PROJECTS OF MORE THAN \$175,000 SHALL, EXCEPT AS OTHERWISE PROVIDED BY LAW, BE SUBJECT TO FORMAL BIDDING PROCEDURES, AS FOLLOWS: (Public Contract Code 22032, 22037, 22038)
  - A. NOTICE INVITING FORMAL BIDS SHALL STATE THE TIME AND PLACE FOR RECEIVING AND OPENING SEALED BIDS AND DISTINCTLY DESCRIBE THE PROJECT. THE NOTICE SHALL BE DISSEMINATED IN BOTH OF THE FOLLOWING WAYS:
    - (1) THROUGH PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT'S JURISDICTION OR, IF THERE IS NO SUCH NEWSPAPER, THEN BY POSTING THE NOTICE IN AT LEAST THREE PLACES DESIGNATED BY THE DISTRICT AS PLACES FOR POSTING ITS NOTICES. SUCH NOTICE SHALL BE PUBLISHED AT LEAST 14 CALENDAR DAYS BEFORE THE DATE THAT BIDS WILL BE OPENED.
    - (2) BY MAIL AND ELECTRONICALLY, IF AVAILABLE, BY EITHER FAX OR EMAIL, TO ALL CONSTRUCTION TRADE JOURNALS IDENTIFIED PURSUANT TO PUBLIC CONTRACT CODE 22036. SUCH NOTICE SHALL BE SENT AT LEAST 15 CALENDAR DAYS BEFORE THE DATE THAT BIDS WILL BE OPENED.

IN ADDITION TO THE NOTICE REQUIRED ABOVE, THE DISTRICT MAY GIVE SUCH OTHER NOTICE AS IT DEEMS PROPER.

- B. THE DISTRICT SHALL AWARD THE CONTRACT AS FOLLOWS:
      - (1) THE CONTRACT SHALL BE AWARDED TO THE LOWEST POSSIBLE BIDDER. IF TWO OR MORE BIDS ARE THE SAME AND THE LOWEST, THE DISTRICT MAY ACCEPT THE ONE IT CHOOSES.

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS (cont.)**

- (2) AT ITS DISCRETION, THE DISTRICT MAY REJECT ALL BIDS PRESENTED AND DECLARE THAT THE PROJECT CAN BE MORE ECONOMICALLY PERFORMED BY DISTRICT EMPLOYEES, PROVIDED THAT THE DISTRICT NOTIFIES AN APPARENT LOW BIDDER, IN WRITING, OF THE DISTRICT'S INTENTION TO REJECT THE BID. SUCH NOTICE SHALL BE MAILED AT LEAST TWO BUSINESS DAYS PRIOR TO THE HEARING AT WHICH THE DISTRICT INTENDS TO REJECT THE BID.
- (3) IF NO BIDS ARE RECEIVED THROUGH THE FORMAL BID PROCEDURE, THE PROJECT MAY BE PERFORMED BY DISTRICT EMPLOYEES BY FORCE ACCOUNT OR NEGOTIATED CONTRACT.

(cf. 3311 - Bids)

~~The District shall require prospective bidders, including certain cases, where merited, major subcontractors on public works projects, as such term is defined in the Public Contracts Code, with an estimated cost of \$1,000,000 or more, to furnish sufficient proof of minimum public works experience. Such minimum experience must consist of responsibility for the successful completion of at least two public projects. The size of each project must equal at least 80% of estimated construction costs of the project(s) to be bid and must have been completed during the past five years. Not meeting the District's requirements will result in failure to pre-qualify.~~

~~Along with proof of the minimum experience requirement, the prospective bidder shall complete a standard form questionnaire and financial statement and shall submit any required documentation along with the questionnaire and financial statement. When completed, the questionnaire and financial statement shall be certified under oath by the bidder in the manner in which pleadings in civil actions are verified.~~

~~The District shall apply a uniform system of rating pre-qualified bidders, on the basis of the standard questionnaires and financial statements. The uniform system may be modified from time to time by District staff.~~

~~When the standard questionnaires and financial statements are used, a report identifying the pre-qualified bidders by type and size of contract shall be submitted to the Board of Education for approval. The questionnaires and financial statements are not public records and not open to public inspection.~~

**UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES PRE-QUALIFICATION OF BIDDERS** (cont.)

~~Questionnaires and financial statements approved by the Board of Education shall be valid for no more than twelve months. Notwithstanding this, the District may, for any given project, require all pre-qualified bidders to submit a new or revised questionnaire and updated financial statement if deemed necessary or desirable.~~

~~Bids shall not be accepted from any person or other entity who is required to complete a questionnaire and financial statement for pre-qualification pursuant to this Board Policy, but has not done so, at least five days prior to the date fixed for the public opening of sealed bids or has not been pre-qualified for at least one day prior to that date.~~

**Chino Valley Unified School District**

Regulation approved: November 16, 1995

Revised: October 6, 2005

Revised: September 4, 2008

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
**SUBJECT: REVISION OF ADMINISTRATIVE REGULATION 3311.2 BUSINESS AND NONINSTRUCTIONAL OPERATIONS – CHANGE ORDER PROCEDURE**

=====  
**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.

Revision of Administrative Regulation 3311.2 Business and Noninstructional Operations – Change Order Procedure now includes material formerly in Board Policy and Administrative Regulation 3311–Bids pertaining to requirements for awarding lease-leaseback contracts. Material significantly revised to reflect New Law (AB 2316, 2016), which no longer permits the selection of a lease-leaseback contractor without advertising, and instead requires districts to use a comprehensive “best value” selection process.

New language is provided in UPPER CASE while old policy language 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 3311.2 Business and Noninstructional Operations – Change Order Procedure.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

**LEASE-LEASEBACK CONTRACTS CHANGE ORDER PROCEDURE**

THE DISTRICT MAY LEASE CURRENTLY OWNED DISTRICT PROPERTY TO ANY PERSON, FIRM, OR CORPORATION FOR A MINIMUM OF \$1 PER YEAR, AS LONG AS THE LEASE REQUIRES THE PERSON, FIRM, OR CORPORATION TO CONSTRUCT A BUILDING OR BUILDINGS ON THE PROPERTY FOR THE DISTRICT'S USE DURING THE LEASE AND THE PROPERTY AND BUILDING(S) WILL VEST IN THE DISTRICT AT THE EXPIRATION OF THE LEASE ("LEASE-LEASEBACK"). (Education Code 17406)

(cf. 3280 - Sale or Lease of District-Owned Real Property)  
(cf. 3312 - Contracts)

ANY LEASE-LEASEBACK CONTRACT SHALL BE AWARDED THROUGH A COMPETITIVE "BEST VALUE" PROCUREMENT PROCESS WHEREBY A PERSON, FIRM, OR CORPORATION IS SELECTED ON THE BASIS OF OBJECTIVE CRITERIA FOR EVALUATING THE QUALIFICATIONS OF PROPOSERS, WITH THE RESULTING SELECTION REPRESENTING THE BEST COMBINATION OF PRICE AND QUALIFICATIONS. TO MAKE THIS DETERMINATION, THE DISTRICT SHALL USE THE FOLLOWING PROCEDURES: (Education Code 17400, 17406)

1. REQUEST FOR SEALED PROPOSALS: THE SUPERINTENDENT OR DESIGNEE SHALL PREPARE A REQUEST FOR SEALED PROPOSALS WHICH SHALL INCLUDE:
  - A. AN ESTIMATE OF THE PROJECT'S PRICE
  - B. A CLEAR, PRECISE DESCRIPTION OF ANY PRECONSTRUCTION SERVICES THAT MAY BE REQUIRED AND THE FACILITIES TO BE CONSTRUCTED
  - C. THE KEY ELEMENTS OF THE CONTRACT TO BE AWARDED
  - D. A DESCRIPTION OF THE FORMAT THAT PROPOSALS SHALL FOLLOW AND THE ELEMENTS THEY SHALL CONTAIN
  - E. THE STANDARDS THE DISTRICT WILL USE IN EVALUATING PROPOSALS
  - F. THE DATE ON WHICH PROPOSALS ARE DUE
  - G. THE TIMETABLE THE DISTRICT WILL FOLLOW IN REVIEWING AND EVALUATING PROPOSALS

**LEASE-LEASEBACK CONTRACTS ~~CHANGE ORDER PROCEDURE~~ (cont.)**

2. NOTICE: AT LEAST 10 DAYS BEFORE THE DATE FOR RECEIPT OF THE PROPOSALS, THE SUPERINTENDENT OR DESIGNEE SHALL GIVE NOTICE OF THE REQUEST FOR SEALED PROPOSALS USING BOTH OF THE FOLLOWING METHODS:
  - A. PROVIDING NOTICE AT LEAST ONCE A WEEK FOR TWO WEEKS IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION PURSUANT TO Public Contract Code 20112
  - B. PROVIDING NOTICE IN A TRADE PAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY WHERE THE PROJECT IS LOCATED

THE SUPERINTENDENT OR DESIGNEE ALSO MAY POST THE NOTICE ON THE DISTRICT'S WEBSITE OR THROUGH AN ELECTRONIC PORTAL.

3. PREQUALIFICATION: A PROPOSER SHALL BE PREQUALIFIED IN ACCORDANCE WITH PUBLIC CONTRACT CODE 20111.6(B)-(M) IN ORDER TO SUBMIT A PROPOSAL. ANY ELECTRICAL, MECHANICAL, AND PLUMBING SUBCONTRACTORS SHALL BE SUBJECT TO THE SAME PREQUALIFICATION REQUIREMENTS.

(cf. 3311- Bids)

4. EVALUATION CRITERIA: THE REQUEST FOR SEALED PROPOSALS SHALL IDENTIFY ALL CRITERIA THAT THE DISTRICT WILL CONSIDER IN EVALUATING THE PROPOSALS AND QUALIFICATIONS OF THE PROPOSERS, INCLUDING RELEVANT EXPERIENCE, SAFETY RECORD, PRICE PROPOSAL, AND OTHER FACTORS SPECIFIED BY THE DISTRICT. THE PRICE PROPOSAL SHALL INCLUDE, AT THE DISTRICT'S DISCRETION, EITHER A LUMP-SUM PRICE FOR THE CONTRACT TO BE AWARDED OR THE PROPOSER'S PROPOSED FEE TO PERFORM THE SERVICES REQUESTED, INCLUDING THE PROPOSER'S PROPOSED FEE TO PERFORM PRECONSTRUCTION SERVICES OR ANY OTHER WORK RELATED TO THE FACILITIES TO BE CONSTRUCTED, AS REQUESTED BY THE DISTRICT.

THE REQUEST FOR SEALED PROPOSALS SHALL SPECIFY WHETHER EACH CRITERION WILL BE EVALUATED ON A PASS-FAIL BASIS OR WILL BE SCORED AS PART OF THE "BEST VALUE" SCORE, AND WHETHER PROPOSERS MUST ACHIEVE ANY MINIMUM QUALIFICATION SCORE FOR AWARD OF THE CONTRACT. FOR EACH SCORED CRITERION, THE DISTRICT SHALL IDENTIFY THE METHODOLOGY AND RATING OR WEIGHTING SYSTEM THAT WILL BE USED BY THE DISTRICT IN EVALUATING THE CRITERION, INCLUDING THE



**LEASE-LEASEBACK CONTRACTS ~~CHANGE ORDER PROCEDURE~~ (cont.)**

WEIGHT ASSIGNED TO THE CRITERION AND ANY MINIMUM ACCEPTABLE SCORE.

5. EVALUATION OF PROPOSALS: ALL PROPOSALS RECEIVED SHALL BE REVIEWED TO DETERMINE WHETHER THEY MEET THE FORMAT REQUIREMENTS AND THE STANDARDS SPECIFIED IN THE REQUEST FOR SEALED PROPOSALS. THE DISTRICTS SHALL EVALUATE THE QUALIFICATIONS OF THE PROPOSERS BASED SOLELY UPON THE CRITERIA AND EVALUATION METHODOLOGY SET FORTH IN THE REQUEST FOR SEALED PROPOSALS, AND SHALL ASSIGN A BEST VALUE SCORE TO EACH PROPOSAL. ONCE THE EVALUATION IS COMPLETE, ALL RESPONSIVE PROPOSALS SHALL BE RANKED FROM THE HIGHEST BEST VALUE TO THE LOWEST BEST VALUE TO THE DISTRICT.
6. AWARD OF CONTRACT: THE AWARD OF THE CONTRACT SHALL BE MADE BY THE BOARD OF EDUCATION TO THE RESPONSIVE PROPOSER WHOSE PROPOSAL IS DETERMINED, IN WRITING BY THE BOARD, TO BE THE BEST VALUE TO THE DISTRICT.

IF THE SELECTED PROPOSER REFUSES OR FAILS TO EXECUTE THE TENDERED CONTRACT, THE BOARD MAY AWARD THE CONTRACT TO THE PROPOSER WITH THE SECOND HIGHEST BEST VALUE SCORE, IF DEEMED IN THE BEST INTEREST OF THE DISTRICT. IF THAT PROPOSER THEN REFUSES OR FAILS TO EXECUTE THE TENDERED CONTRACT, THE BOARD MAY AWARD THE CONTRACT TO THE PROPOSER WITH THE THIRD HIGHEST BEST VALUE SCORE.

UPON ISSUANCE OF A CONTRACT AWARD, THE DISTRICT SHALL PUBLICLY ANNOUNCE ITS AWARD, IDENTIFYING THE ENTITY TO WHICH THE AWARD IS MADE, ALONG WITH A STATEMENT REGARDING THE BASIS OF THE AWARD. THE STATEMENT REGARDING THE CONTRACT AWARD AND THE CONTRACT FILE SHALL PROVIDE SUFFICIENT INFORMATION TO SATISFY AN EXTERNAL AUDIT.

7. REJECTION OF PROPOSALS: AT ITS DISCRETION, THE BOARD MAY REJECT ALL PROPOSALS AND REQUEST NEW PROPOSALS.

PRIOR TO ENTERING INTO A LEASE-LEASEBACK AGREEMENT, THE SUPERINTENDENT OR DESIGNEE SHALL HAVE ON FILE THE CONTRACTOR'S ENFORCEABLE COMMITMENT THAT THE CONTRACTOR AND ITS SUBCONTRACTORS AT EVERY TIER WILL USE A SKILLED AND TRAINED

**LEASE-LEASEBACK CONTRACTS CHANGE ORDER PROCEDURE (cont.)**

WORKFORCE TO PERFORM ALL WORK ON THE PROJECT OR CONTRACT THAT FALLS WITHIN AN APPRENTICEABLE OCCUPATION IN THE BUILDING AND CONSTRUCTION TRADES. (Education Code 17407.5)

ANY LEASE-LEASEBACK AGREEMENT SHALL BE REVIEWED BY THE DISTRICT'S LEGAL COUNSEL TO ENSURE THAT ALL REQUIRED TERMS, INCLUDING A LEASE TERM THAT PROVIDES FOR THE DISTRICT'S OCCUPANCY OF THE BUILDING OR IMPROVED PROPERTY DURING THE LEASE AND AN APPROPRIATE FINANCING COMPONENT, ARE INCLUDED IN THE AGREEMENT.

~~The process of modifying an existing agreement is known as a "change order." For the purpose of controlling District construction costs, all change orders shall be closely monitored by the District, its architects and consultants. The need for a change order request may be identified by District staff, the architect, inspector or general contractor.~~

~~There are a number of acceptable reasons change orders occur. These types of changes are either beyond the control of the District, or result in additional value to the District. For example:~~

- ~~1. Weather conditions can delay a project forcing a contractor to request a contract extension to complete the job.~~
- ~~2. Materials specified in the original bid are discontinued by a supplier and a substitute must be found.~~
- ~~3. When contract changes are a result of actions or requirements of another governmental agency, utility company, or are considered to be caused by "an act of God," existing construction agreements may be amended.~~
- ~~4. Existing site conditions reasonably unforeseeable by the architect and/or contractor can result in additional time or cost added to the project.~~
- ~~5. Contractor engages in value engineering while still delivering the expected outcome at no additional cost or savings to the district.~~

~~The District will expect the vendor to be fully responsible for the following types of change orders:~~

- ~~1. Omissions in the architect's plans and specifications for the project for the project which could reasonably be ascertained prior to the request for bids.~~
- ~~2. Omissions in the contractor's submitted bid which could reasonably be ascertained prior to the bid submittal.~~

**LEASE-LEASEBACK CONTRACTS CHANGE ORDER PROCEDURE (cont.)**

~~Efforts will be made to reduce or minimize change orders generated to make cosmetic or non-essential changes requested by staff that result in added costs to the project.~~

~~The following change order process will be used in the Chino Valley Unified School District.~~

~~When possible, request for change orders will be included as part of the regular construction meetings with the architect, general contractor, inspector, and District staff.~~

~~A request to proceed with a change order will be submitted by the architect in an electronic format to the District outlining the need and rationale for the change. The change order will be submitted to the Director of Maintenance, Operations, and Construction, who will review the request and make a recommendation to the Superintendent/designee to approve or deny the change order request.~~

~~When possible, all change orders will be presented to the Board of Education for approval, rather than ratification. However, the District recognizes that a decision on change orders may need to be made prior to Board approval in order not to delay or stop work on the project. The need to proceed with a change order can be especially evident when the timetable affects the opening of a school or other schedule requirements. In instances where the Board of Education will be asked to ratify rather than approve a change order, staff will communicate this information and cost in a timely manner to the Board of Education.~~

**Legal Reference:**

EDUCATION CODE

17400 definitions

17406 Lease-leaseback contract

17407.5 Use of a skilled and trained workforce

PUBLIC CONTRACT CODE

20111.6 Prequalification procedures

20112 Notices

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App4th 261

**Management Resources:**

WEBSITES

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

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

**LEASE-LEASEBACK CONTRACTS ~~CHANGE ORDER PROCEDURE~~ (cont.)**

**Chino Valley Unified School District**

Regulation approved: November 16, 1995

Revised: June 18, 2009

REVISED:

**CHINO VALLEY UNIFIED SCHOOL DISTRICT**

**Our Motto:**

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

**DATE:** August 17, 2017  
**TO:** Members, Board of Education  
**FROM:** Wayne M. Joseph, Superintendent  
**PREPARED BY:** Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations  
**SUBJECT: REVISION OF ADMINISTRATIVE REGULATION 3311.3 BUSINESS AND NONINSTRUCTIONAL OPERATIONS – INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

=====  
**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.

Revision of Administrative Regulation 3311.3 Business and Noninstructional Operations – Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act now includes material formerly in Board Policy and Administrative Regulation 3311 – Bids pertaining to requirements for awarding design-build contracts. Minor editorial changes made to clarify the process and more directly reflect law.

New language is provided in UPPER CASE while old policy language 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 3311.3 Business and Noninstructional Operations – Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act.

**FISCAL IMPACT**

None.

WMJ:GJS:pw

**~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT~~**

THE BOARD OF EDUCATION MAY APPROVE A CONTRACT WITH A SINGLE ENTITY FOR BOTH DESIGN AND CONSTRUCTION OF ANY SCHOOL FACILITY IN EXCESS OF \$1,000,000, AWARDING THE CONTRACT TO EITHER THE LOW BID OR THE BEST VALUE AS DETERMINED BY EVALUATION OF OBJECTIVE CRITERIA. (Education Code 17250.20)

(cf. 3311 - Bids)  
(cf. 3312 - Contracts)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7140 - Architectural and Engineering Services)

DESIGN-BUILD DOCUMENTS SHALL NOT INCLUDE PROVISIONS FOR LONG-TERM PROJECT OPERATIONS, BUT MAY INCLUDE OPERATIONS DURING A TRAINING OR TRANSITION PERIOD. (Education Code 17250.25)

THE PROCUREMENT PROCESS FOR DESIGN-BUILD PROJECTS SHALL BE AS FOLLOWS: (Education Code 17250.25, 17250.35)

1. THE DISTRICT SHALL PREPARE A SET OF DOCUMENTS SETTING FORTH THE SCOPE AND ESTIMATED PRICE OF THE PROJECT. THE DOCUMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO:
  - A. THE SIZE, TYPE, AND DESIRED DESIGN CHARACTER OF THE PROJECT.
  - B. PERFORMANCE SPECIFICATIONS THAT COVER THE QUALITY OF MATERIALS, EQUIPMENT, AND WORKMANSHIP.
  - C. PRELIMINARY PLANS OR BUILDING LAYOUTS.
  - D. ANY OTHER INFORMATION DEEMED NECESSARY TO DESCRIBE ADEQUATELY THE DISTRICT'S NEEDS.

THE PERFORMANCE SPECIFICATIONS AND ANY PLANS SHALL BE PREPARED BY A DESIGN PROFESSIONAL WHO IS DULY LICENSED AND REGISTERED IN CALIFORNIA.

2. THE DISTRICT SHALL PREPARE AND ISSUE A REQUEST FOR QUALIFICATIONS IN ORDER TO PREQUALIFY, OR DEVELOP A SHORT LIST OF, THE DESIGN-BUILD ENTITIES WHOSE PROPOSALS SHALL BE EVALUATED FOR FINAL SELECTION. THE REQUEST FOR QUALIFICATIONS SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING ELEMENTS:

**DESIGN – BUILD CONTRACTS ~~INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT~~ (cont.)**

- A. IDENTIFICATION OF THE BASIC SCOPE AND NEEDS OF THE PROJECT OR CONTRACT, THE EXPECTED COST RANGE, THE METHODOLOGY THAT WILL BE USED BY THE DISTRICT TO EVALUATE PROPOSALS, THE PROCEDURE FOR FINAL SELECTION OF THE DESIGN-BUILD ENTITY, AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE DISTRICT TO INFORM INTERESTED PARTIES OF THE CONTRACTING OPPORTUNITY.
- B. SIGNIFICANT FACTORS THAT THE DISTRICT REASONABLY EXPECTS TO CONSIDER IN EVALUATING QUALIFICATIONS, INCLUDING TECHNICAL DESIGN AND CONSTRUCTION EXPERTISE, ACCEPTABLE SAFETY RECORD, AND ALL OTHER NON-PRICE-RELATED FACTORS.
- C. A STANDARD TEMPLATE REQUEST FOR STATEMENTS OF QUALIFICATIONS PREPARED BY THE DISTRICT, WHICH SHALL CONTAIN ALL OF THE INFORMATION REQUIRED PURSUANT TO Education Code 17250.25.

THE DISTRICT ALSO MAY IDENTIFY SPECIFIC TYPES OF SUBCONTRACTORS THAT MUST BE INCLUDED IN THE STATEMENT OF QUALIFICATIONS AND PROPOSAL.

A DESIGN-BUILD ENTITY SHALL NOT BE PREQUALIFIED OR SHORT-LISTED UNLESS THE ENTITY PROVIDES AN ENFORCEABLE COMMITMENT TO THE DISTRICT THAT THE ENTITY AND ITS SUBCONTRACTORS AT EVERY TIER WILL USE A SKILLED AND TRAINED WORKFORCE, AS DEFINED IN EDUCATION CODE 17250.25, TO PERFORM ALL WORK ON THE PROJECT OR CONTRACT THAT FALLS WITHIN AN APPRENTICEABLE OCCUPATION IN THE BUILDING AND CONSTRUCTION TRADES. THE ENTITY MAY DEMONSTRATE SUCH COMMITMENT THROUGH A PROJECT LABOR AGREEMENT, BY BECOMING A PARTY TO THE DISTRICT'S PROJECT LABOR AGREEMENT, OR THROUGH AN AGREEMENT WITH THE DISTRICT TO PROVIDE EVIDENCE OF COMPLIANCE ON A MONTHLY BASIS DURING THE PERFORMANCE OF THE PROJECT OR CONTRACT.

3. THE DISTRICT SHALL PREPARE A REQUEST FOR PROPOSALS (RFP) THAT INVITES PREQUALIFIED OR SHORT-LISTED ENTITIES TO SUBMIT COMPETITIVE SEALED PROPOSALS IN A MANNER PRESCRIBED BY THE DISTRICT. THE RFP SHALL INCLUDE THE INFORMATION IDENTIFIED IN ITEMS #2A AND 2B ABOVE AND THE RELATIVE IMPORTANCE OR WEIGHT ASSIGNED TO EACH OF THE FACTORS. IF THE DISTRICT USES A BEST VALUE SELECTION METHOD FOR A PROJECT, THE DISTRICT MAY RESERVE THE

**~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT~~ (cont.)**

RIGHT TO REQUEST PROPOSAL REVISIONS AND HOLD DISCUSSIONS AND NEGOTIATIONS WITH RESPONSIVE PROPOSERS, IN WHICH CASE THE DISTRICT SHALL SO SPECIFY IN THE REQUEST FOR PROPOSALS AND SHALL PUBLISH SEPARATELY OR INCORPORATE INTO THE REQUEST FOR PROPOSALS APPLICABLE PROCEDURES TO BE OBSERVED BY THE DISTRICT TO ENSURE THAT ANY DISCUSSIONS OR NEGOTIATIONS ARE CONDUCTED IN GOOD FAITH.

4. FOR THOSE PROJECTS UTILIZING LOW BID AS THE FINAL SELECTION METHOD, THE BIDDING PROCESS SHALL RESULT IN LUMP-SUM BIDS BY THE PREQUALIFIED OR SHORT-LISTED DESIGN-BUILD ENTITIES, AND THE CONTRACT SHALL BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER.
5. FOR THOSE PROJECTS UTILIZING BEST VALUE AS A SELECTION METHOD, THE FOLLOWING PROCEDURES SHALL BE USED:
  - A. COMPETITIVE PROPOSALS SHALL BE EVALUATED USING ONLY THE CRITERIA AND SELECTION PROCEDURES SPECIFICALLY IDENTIFIED IN THE REQUEST FOR PROPOSALS. CRITERIA SHALL BE WEIGHTED AS DEEMED APPROPRIATE BY THE DISTRICT AND SHALL, AT A MINIMUM, INCLUDE PRICE, UNLESS A STIPULATED SUM IS SPECIFIED; TECHNICAL DESIGN AND CONSTRUCTION EXPERIENCE; AND LIFE-CYCLE COSTS OVER 15 OR MORE YEARS.
  - B. FOLLOWING ANY DISCUSSIONS OR NEGOTIATIONS WITH RESPONSIVE PROPOSERS AND COMPLETION OF THE EVALUATION PROCESS, THE RESPONSIVE PROPOSERS SHALL BE RANKED ON A DETERMINATION OF VALUE PROVIDED, PROVIDED THAT NO MORE THAN THREE PROPOSERS ARE REQUIRED TO BE RANKED.
  - C. THE CONTRACT SHALL BE AWARDED TO THE RESPONSIBLE ENTITY WHOSE PROPOSAL IS DETERMINED BY THE DISTRICT TO HAVE OFFERED THE BEST VALUE TO THE PUBLIC.
  - D. THE DISTRICT SHALL PUBLICLY ANNOUNCE THE CONTRACT AWARD, IDENTIFYING THE ENTITY TO WHICH THE AWARD IS MADE AND THE BASIS OF THE AWARD. THIS STATEMENT AND THE CONTRACT FILE SHALL PROVIDE SUFFICIENT INFORMATION TO SATISFY AN EXTERNAL AUDIT.



**~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (cont.)~~**

~~The District has elected to be subject to the California Uniform Public Construction Cost Accounting Act (“Act”), commencing with Section 22000 to Part 3 Division 2 of the Public Contract Code with an effective implementation date of May 9, 2013. This election provides for the following:~~

**~~Public Projects of \$45,000.00 or Less~~**

~~These projects may be performed by force account, by negotiated contract, or by purchase order. When such work is contracted out, to the extent possible by law, at least three written quotes should be sought. Work specified herein shall utilize qualified contractors with the appropriate and current contractor license classification.~~

**~~Public Projects of \$175,000.00 or Less~~**

~~These projects may be let to contract by informal procedures as set forth by the act, particularly with respect to Public Contract Codes 22034 and 22036.~~

- ~~1. Contractors list:
 
  - ~~a. The District shall maintain a list of qualified contractors, identified according to categories of work and consistent with the criteria developed by the California Uniform Construction Cost Accounting Commission.~~
  - ~~b. During November of each year, the District shall mail a written notice to all construction trade journals designated for the District under Public Contract Code 22036, inviting all licensed contractors to submit the name of their firm to the District for inclusion on the District's list of qualified contractors for the following calendar year.~~~~
- ~~2. Notice Inviting Informal Bids:
 
  - ~~a. Unless the product or service is proprietary, a Notice Inviting Informal Bids shall be mailed to all contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036.~~
  - ~~b. The Notice Inviting Informal Bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.~~~~

**~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (cont.)~~**

- ~~e. The mailing of notices to contractors and construction trade journals shall be completed not less than ten (10) calendar days before bids are due.~~
- ~~d. At the discretion of the District, additional contractors and/or construction trade journals may be notified regarding the request for informal bids. Provided, however, that:
  - ~~1. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the Notice Inviting Informal Bids shall be sent only to the construction trade journals specified by the commission.~~
  - ~~2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the Notice Inviting Informal Bids may be sent exclusively to such contractor or contractors.~~~~

**~~Bids in Excess of \$175,000.00~~**

~~If all bids received are in excess of \$175,000.00, the Board may, through a resolution passed by a four-fifths vote, award the contract at one hundred eighty-seven thousand five hundred dollars (\$187,500.00) or less, to the lowest responsible bidder, if it determines the District's cost estimate was reasonable.~~

**~~Delegation of Authority for Award of Contracts and Approval of Specifications~~**

~~The Director of Purchasing, the Director of Maintenance, Operations, and Construction, and/or the Assistant Superintendent of Facilities, Planning, and Operations are each authorized to award informal contracts and approve specifications pursuant to this regulation.~~

**~~Public Projects of More Than \$175,000.00~~**

~~Public projects of more than \$175,000.00 will be let to contract by formal bidding procedures consistent with the District's Board Policy and Administrative Regulation 3311, and all other applicable laws.~~

**~~Emergency work~~**

~~In cases of emergency when repair or replacement are necessary, the District may proceed at once to replace or repair any public facility without adopting plans,~~

## **~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (cont.)~~**

~~specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the District, by contractor, or by a combination of the two.~~

~~Cases of emergency include, but are not limited to, states of emergency defined in Government Code 8558 and Public Contract Code 20113 when repairs, alterations, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property.~~

~~In the case of emergency, the District, pursuant to a four-fifths vote of its Board, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The Board, however, must first make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.~~

### **~~Contract Ratification and/or Approval by the Board~~**

~~Public project contracts under \$175,000.00 shall be reported to the Board for ratification within sixty (60) calendar days of award of the contract. All public project contracts over \$175,000.00 require prior Board approval.~~

### **~~Adjustments to Contract Amounts~~**

~~Every five years, the state controller's office may make adjustments to the above-mentioned public project contract amounts. Any such adjustment shall be effective beginning with the fiscal year that commences not less than sixty (60) calendar days following the state controller's notification to the District.~~

#### **Legal Reference:**

##### EDUCATION CODE

17250.10-17250.55 Design-build contracts

#### **Management Resources:**

##### WEBSITES

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

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

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

~~DESIGN – BUILD CONTRACTS INFORMAL BIDDING PROCEDURES UNDER THE  
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (cont.)~~

**Chino Valley Unified School District**  
Regulation approved: May 23, 2013  
REVISED: