

ITEM#: 2
DATE: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: **Resolution #16-21**
 Week of the School Administrator

BACKGROUND:

In observance of the importance of educational leadership at the school, school district, and county levels, the State of California has declared the second full week in the month of October of each year shall be designated as “Week of the School Administrator”
Education Code 44015.1

STATUS:

Schools, school districts, and county superintendents of schools are encouraged to observe the week with public recognition of the contribution that school administrators make to successful pupil achievement. District administration has prepared and recommends approval of Resolution #16-21.

FISCAL IMPACT:

None

BOARD GOAL:

Board Focus Goal IV – STAFF NEEDS:

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to provide quality education for our students.

RECOMMENDATION:

Approve Resolution #16-21 Week of the School Administrator.

**RESOLUTION OF THE RESCUE UNION SCHOOL DISTRICT
BOARD OF TRUSTEES**

Resolution No. 16-21
Week of the School Administrator
October 9 - 15, 2016

WHEREAS, leadership matters for California's public education system and the more than 6 million students it serves;

WHEREAS, school administrators are passionate, lifelong learners who believe in the value of quality public education, and

WHEREAS, the title "school administrator" is a broad term used to define many education leadership posts. Superintendents, assistant superintendents, principals, assistant principals, special education and adult education leaders, curriculum and assessment leaders, school business officials, classified educational leaders, and other school district employees are considered administrators; and

WHEREAS, providing quality service for student success is paramount for the profession; and

WHEREAS, most school administrators began their careers as teachers. The average administrator has served in public education for more than a decade. Most of California's superintendents have served in education for more than 20 years. Such experience is beneficial in their work to effectively and efficiently lead public education and improve student achievement; and

WHEREAS, public schools operate with lean management systems. Across the nation, public schools employ fewer managers and supervisors than most public and private sector industries including transportation, food service, manufacturing, utilities, construction, publishing and public administration; and

WHEREAS, school leaders depend on a network of support from school communities – fellow administrators, teachers, parents, students businesses, community members, board trustees, colleges and universities, community and faith-based organizations, elected officials and district and county staff and resources – to promote ongoing student achievement and school success; and

WHEREAS, research shows great schools are led by great principals, and great districts are led by great superintendents. These site leaders are supported by extensive administrative networks throughout the state; and

WHEREAS, the State of California has declared the second full week of October as the "Week of the School Administrator" in Education Code 44015.1; and

WHEREAS, the future of California's public education system depends upon the quality of its leadership; now therefore

BE IT RESOLVED, by the Board of Trustees of the Rescue Union School District that all school leaders be commended for the contributions they make to successful student achievement.

PASSED AND ADOPTED on the 11th of October 2016 by the following vote:

AYES:

NOES:

ABSENT:

Ellen Driscoll, President of the Board

Attest:

Serena Posner, Clerk of the Board

Rescue Union School District

10.5.16

	GREEN VALLEY	JACKSON	LAKE FOREST	LAKEVIEW	RESCUE	MARINA VILLAGE	PLEASANT GROVE	Tot.
TR. KDG	20	17	15	20	23	0	0	95
KDG.*	66	67	61	68	58	0	0	320
FIRST	65	65	56	79	73	0	0	338
SECOND	75	77	69	76	69	0	0	366
THIRD	66	74	68	102	66	0	0	376
FOURTH	70	70	96	104	75	0	0	415
FIFTH	83	77	94	100	83	0	0	437
SIXTH	0	0	0	0	0	234	150	384
SEVENTH	0	0	0	0	0	261	203	464
EIGHTH	0	0	0	0	0	278	196	474
SDC		16					25	
*COOL School			0			9		9
TOTAL	445	463	459	549	447	773	574	3723
Ending 15-16	446	453	437	538	435	795	609	3733
Difference	-1	10	22	11	12	-22	-35	-10

*COOL School numbers are not counted in individual school counts only in district total

**Projected enrollment is from Table 10 of the Demographic Study

NPS 4

ENROLLMENT HISTORY

	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
2016/2017	3723	3709	3723								
2015/2016	3666	3658	3673	3673	3676	3686	3707	3717	3734	3740	3733
2014/2015	3690	3697	3699	3702	3712	3735	3753	3771	3772	3775	N/A
2013/2014	3797	3775	3770	3776	3774	3797	3804	3821	3823	3825	N/A
2012/2013	3889	3902	3895	3900	3893	3885	3912	3919	3920	3929	N/A
2011/2012	3984	3984	3989	3995	3995	4002	4019	4024	4032	4038	N/A
2010/2011	4124	4088	4070	4071	4074	4083	4092	4099	4097	4095	N/A
2009/2010	4173	4123	4115	4116	4113	4119	4122	4121	4112	4115	4110
2008/2009	4176	4105	4104	4106	4115	4110	4095	4091	4097	4099	4117
2007/2008	4093	4079	4090	4094	4091	4097	4110	4096	4101	4085	4082
2006/2007	3916	3905	3918	3927	3934	3933	3952	3967	3964	3972	3973
2005/2006	3777	3771	3788	3776	3768	3784	3780	3783	3786	3785	3785
2004/2005	3670	3658	3653	3661	3661	3698	3703	3712	3717	3707	N/A
Diff 2015-16	2016-17	57	51	50							
Avg Diff			54	52							

**Low Housing Projection	2016-17	Variance
100		-5
329		-9
336		2
344		22
366		10
391		24
395		42
359		25
427		37
447		27
0		41
0		9
3494		229

ITEM#: 6
DATE: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Suspension and Expulsion Informational Report

BACKGROUND:

The Rescue Union School District desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. Rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion have been developed.

STATUS:

The school site principals and district office administration, in accordance with California Education Code and RUSD Board Policy, have developed and adhere to rules and regulations governing student discipline, including suspension and expulsion.

FISCAL IMPACT:

N/A

BOARD GOAL:

Board Focus Goal I – STUDENT NEEDS:

- A. Student Safety and Well Being: Enhance and encourage social, emotional, ethical and civic learning by providing a safe, supportive and diverse environment.

RECOMMENDATION:

The Board receive a report on regulations, procedures, and trend data concerning suspension and expulsion in the Rescue Union School District.

Rescue Union School District

Suspension and Expulsion Report

For

The RUSD Board of Trustees

10.11.16

RUSD Suspension and Expulsion Report

Background...

Suspension and expulsion are significant consequences for inappropriate behavior.

As such, school site administrators understand that such consequences are appropriate only when a student's behavior **presents a danger to self or others**, or when **other measures have repeatedly failed to bring about proper conduct**. (CA ED CODE 48900.5, BP 5144.1)

Acts leading to suspension or expulsion must be committed at school, at a school activity, or on the way to or from school.

RUSD Suspension and Expulsion Report

Examples of “suspendable” acts

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Possessed, sold, or furnished a firearm, knife, explosive, or other dangerous object.
- Possessed, sold, used, been under the influence, or furnished a controlled substance.
- Committed robbery or extortion

RUSD Suspension and Expulsion Report

Examples of “suspendable” acts (cont.)

- Caused or attempted to cause damage to school property.
- Stole or attempted to steal school or private property.
- Possessed or used tobacco products.
- Committed an obscene act.
- Unlawfully possessed or arranged to sell drug paraphernalia.
- Disrupted school activities or willfully defied the valid authority of school officials.
 - Note:
 - As of 2014, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for disruption or defiance.
 - Furthermore, a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, shall not be recommended for expulsion for disruption or defiance.

RUSD Suspension and Expulsion Report

Examples of “suspendable” acts (cont.)

- Knowingly received stolen property.
- Possessed an imitation firearm.
- Committed or attempted to commit sexual assault.
- Harassed or intimidated a complaining witness to a school disciplinary proceeding.
- Hazing.
- Bullying.

RUSD Suspension and Expulsion Report

Expulsion represents the highest level of consequence for student behavior.

The superintendent or school principal may make an expulsion recommendation to the Board, but only the Board has the authority to expel a student.

RUSD Suspension and Expulsion Report

Per California Education Code, acts leading to expulsion fall into three categories:

- Mandatory (must),
- Expected (shall),
- And Discretionary (may)

RUSD Suspension and Expulsion Report

Mandatory Expulsion

- Possession, selling, or furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance.
- Committing or attempting to commit sexual assault or battery.
- Possession of an explosive

RUSD Suspension and Expulsion Report

Expected

- Causing serious injury to another person.
- Possession of a knife or other dangerous object of no reasonable use to the student.
- Possession or use of any controlled substance, except for the first offense for possession of not more than one avoirdupois ounce of marijuana other than concentrated cannabis.
- Robbery or extortion.
- Assault or battery on a school employee.

An administrator shall recommend expulsion for the violations above **“unless the administrator finds that expulsion is inappropriate due to a particular circumstance”**.

RUSD Suspension and Expulsion Report

Discretionary Expulsion

- Any acts enumerated in Ed Code Section 48900, with the exception of (k). These are the suspendable acts referenced earlier.

RUSD Suspension and Expulsion Report

The recommendation for expulsion shall be based on one or both of the following:

- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

RUSD Suspension and Expulsion Report

Suspension and expulsion are certainly undesirable, so what types of behavior interventions are typically afforded to students, **BEFORE** reaching the level of suspension or expulsion?

- Conferences between school personnel, the pupil's parent or guardian, and the pupil.
- Referrals to a school counselor, psychologist, social worker, law enforcement, and/or child welfare attendance personnel (SARB) for case management and counseling.

RUSD Suspension and Expulsion Report

Behavior Interventions (cont.)

- Referral to Student Study Teams (SSTs) that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a Section 504 Plan
- Enrollment in a program for teaching prosocial behavior or anger management (EDCA Lifeskills).

RUSD Suspension and Expulsion Report

Behavior Interventions (cont.)

- Participation in a restorative justice program.
- Positive behavior support approaches with tiered interventions that occur during the school day on campus.
- After-school programs, including Saturday School, that address specific behavioral issues.
- Community service on school grounds.

RUSD Suspension and Expulsion Report

Due Process for Suspension.

Students have:

- The right to an informal pre-suspension conference to present evidence to school or district staff, prior to being suspended.
- The right to receive written notification of the decision to suspend.
- The right not to be suspended for more than 5 consecutive days.
- The right to appeal a school's final decision.

RUSD Suspension and Expulsion Report

Due Process for Expulsions

Students have:

- The right to an expulsion hearing within 30 school days of the proposed expulsion.
- The right to written notice of the expulsion hearing date at least ten days prior to the hearing.
- The right to request student records and inspect evidence to be used during the expulsion hearing.

RUSD Suspension and Expulsion Report

Due Process for Expulsions

Students have:

- The right during an expulsion hearing to bring advocates and witnesses.
- The right to a written final decision and the right to an appeal.

RUSD Suspension and Expulsion Report

Suspension and Expulsion Trend Data for the Rescue Union School District

	Suspension Rate	Expulsion Rate
2009-2010	4.4%	.25%
2010-2011	3.69%	.25%
2011-2012	3.0%	.12%
2012-2013	2.7%	.02%
2013-2014	2.8%	.00%
2014-2015	2.0%	.00%
2015-2016	2.9%	.02%

Note: These figures include in school and out of school suspensions.

RUSD Suspension and Expulsion Report

2015-2016 Suspension Data by Ethnicity

Ethnicity	# of Students Suspended	% of Total Suspensions	% of Population
White	39	64.0%	71.8%
Hispanic	15	24.6%	15.3%
Asian	1	1.6%	6.7%
Black	0	0.0%	0.8%
Amer Ind/Alsk Nat	1	1.6%	0.4%
Pacific Islander	0	0.0%	0.2%
More than 1 race	5	8.2%	4.8%

Note: These figures include out of school suspensions of 1 day or more.

RUSD Suspension and Expulsion Report

2015-2016 Suspension Data by Gender

Gender	# of Students Suspended	% of Total Suspensions	% of Population
Male	55	90.2%	52.2
Female	6	9.8%	47.8

Note: These figures include out of school suspensions.

RUSD Suspension and Expulsion Report

2015-2016 Suspension Data by Socioeconomic Status

Socioeconomic Status	# of Students Suspended	% of Total Suspensions	% of Population
Disadvantaged	24	39.3%	14.1%
Non-disadvantaged	37	60.7%	85.9%

Note: These figures include out of school suspensions.

RUSD Suspension and Expulsion Report

2015-2016 Suspension Data by Disability Status

Disability Status	# of Students Suspended	% of Total Suspensions	% of Population
Students with Disability	23	37.7%	9.9%
Students w/o Disability	38	62.3%	90.1%

Note: These figures include out of school suspensions.

RUSD Suspension and Expulsion Report

In conclusion...

The school site principals have made significant efforts to provide effective disciplinary measures to reduce the number of suspensions and expulsions, district -wide.

On the rare occasion when a student is expelled, The District Office maintains contact with the family throughout the term of the expulsion, assisting with issues related to school placement, community service ideas, counseling, and re-admittance.

ITEM#: 7
DATE: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Budget Update & Proposition 98

BACKGROUND:

The Assistant Superintendent of Business Services will provide an update on the District's Fiscal Year 2016-17 Budget and Proposition 98 Funding.

STATUS:

The District's adopted budget was approved in June and became effective on July 1, 2016. The Assistant Superintendent of Business Services and staff are regularly monitoring the budget to ensure the fiscal solvency of the District.

FISCAL IMPACT:

This is an information item only.

BOARD GOAL:

Board Focus Goal II – FISCAL ACCOUNTABILITY:

Keep the district fiscally solvent through prudent LCAP aligned budget processes in order to meet the needs of our students.

RECOMMENDATION:

N/A



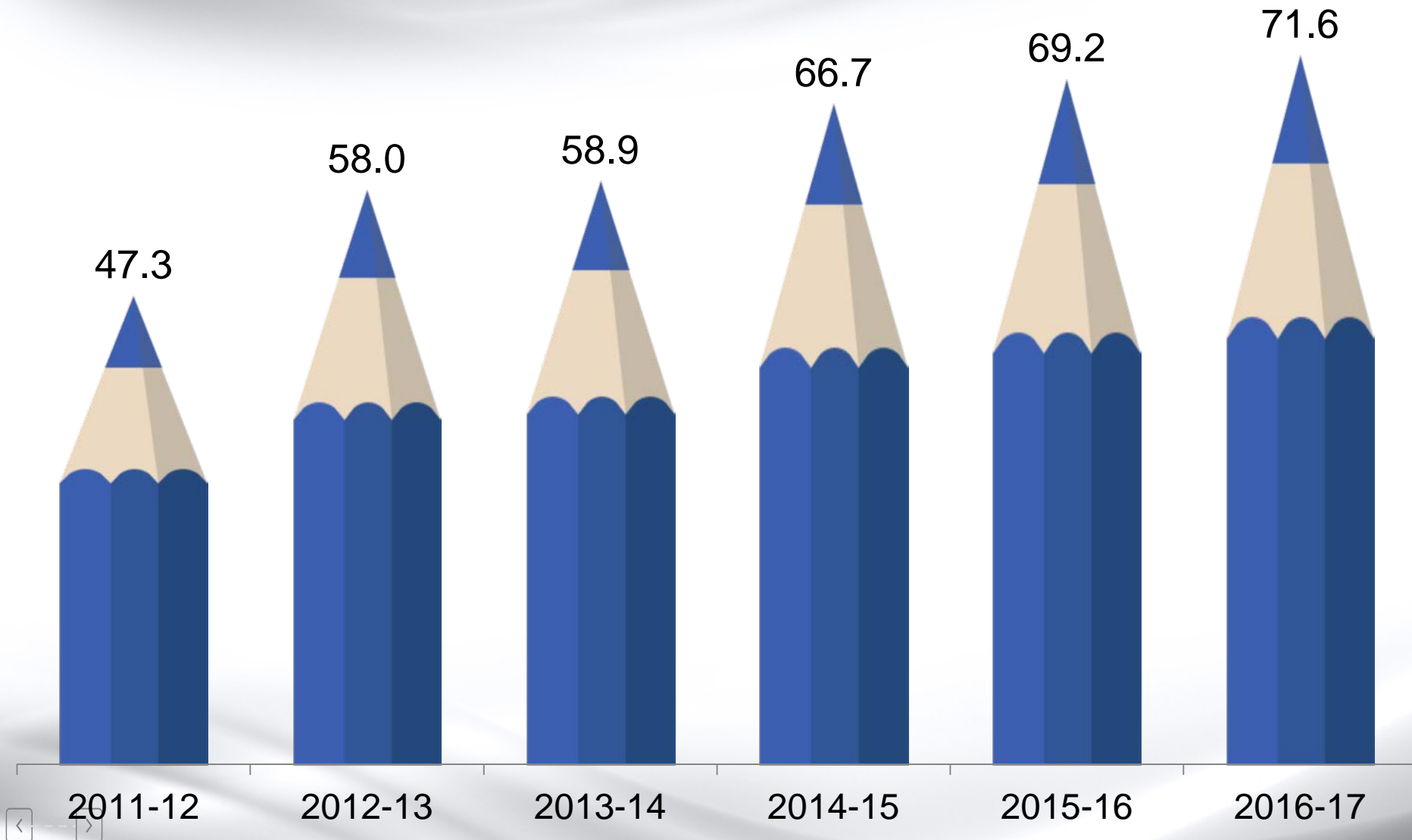
Proposition 98

Spending Highlights - 2016-17

Proposition 98 has grown 51% over the last 6 years.

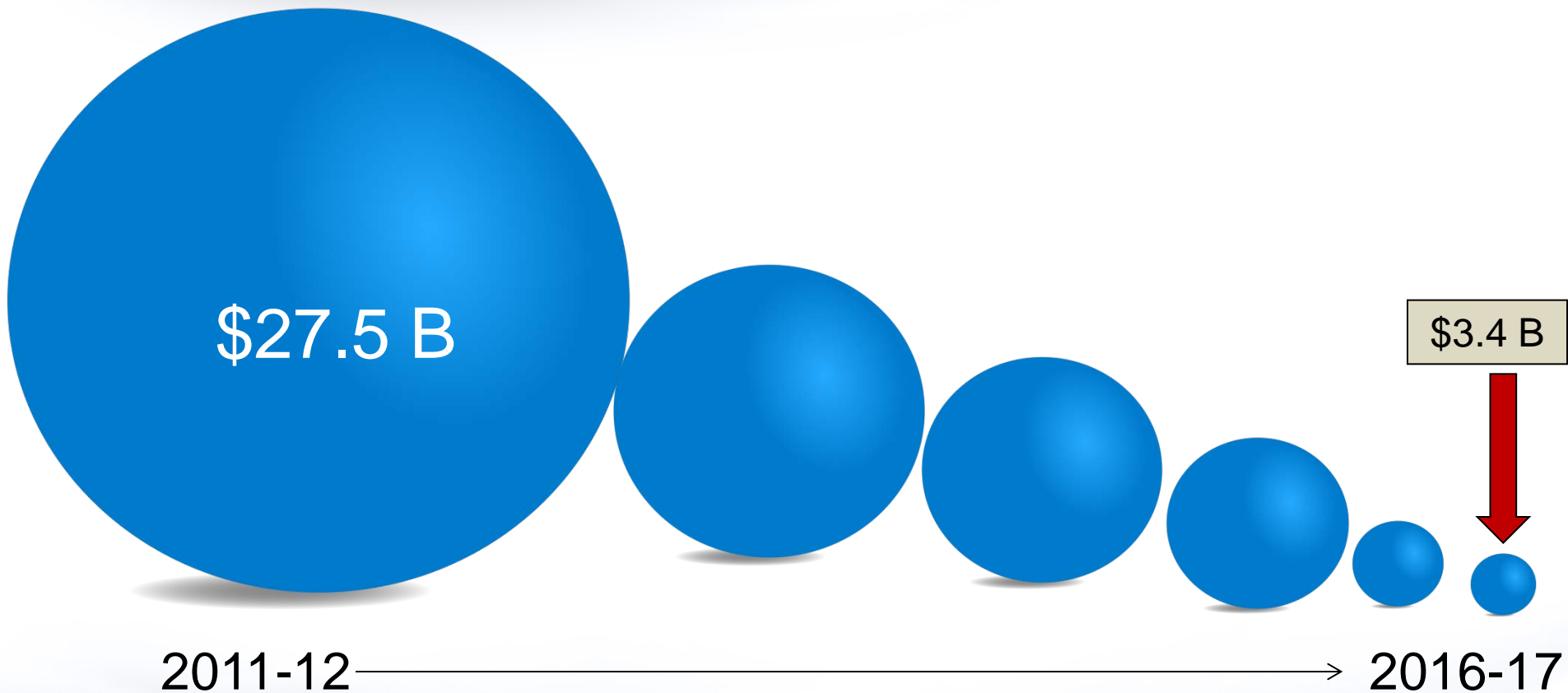
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Dollars in Billions



Proposition 98 Debt Reduced by Over \$24 Billion

3



Deferrals Eliminated in 2014-15

4

Dollars in Millions

2011-12



\$10,430

2012-13

52%



\$5,002

2013-14

32%



\$1,653

2014-15

16%



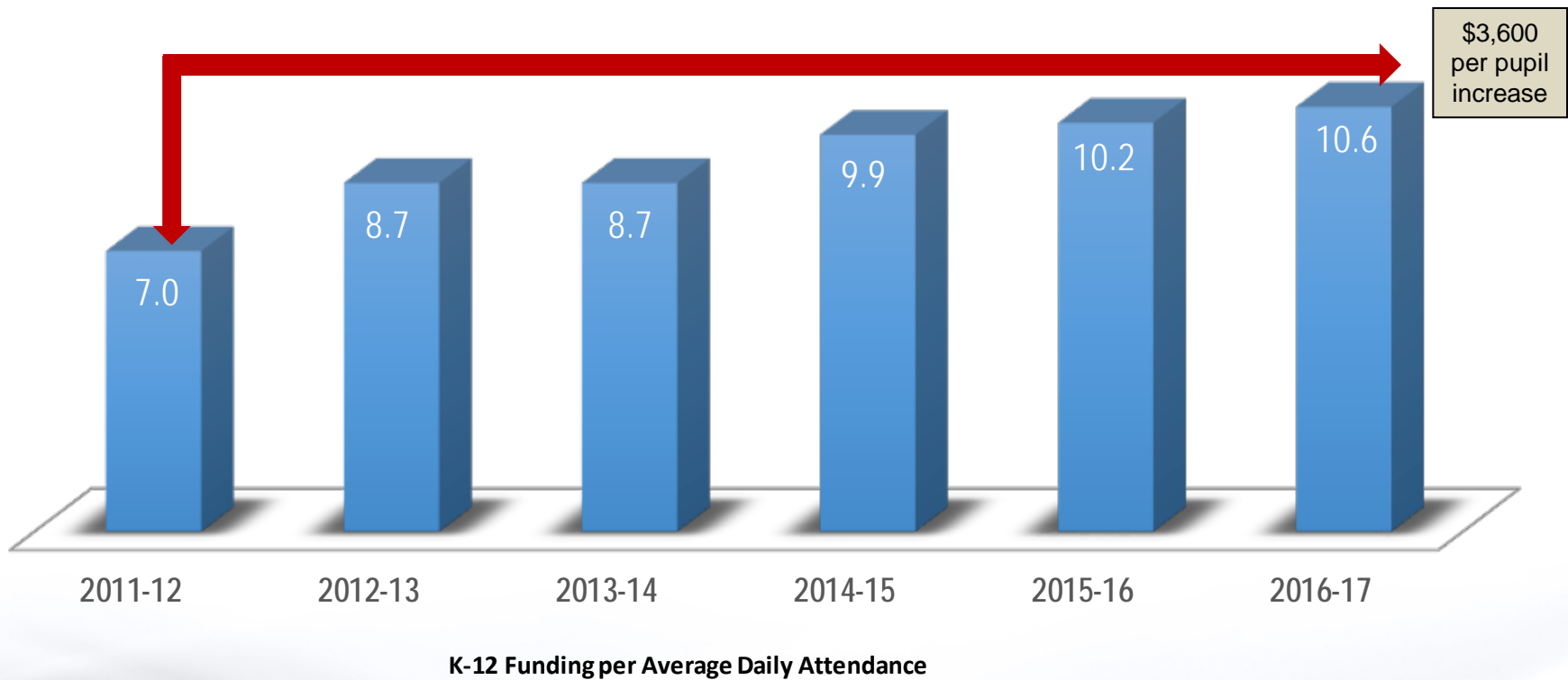
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Deferral Balance



Proposition 98 K-12 per pupil funding has grown 51% over the last six years.

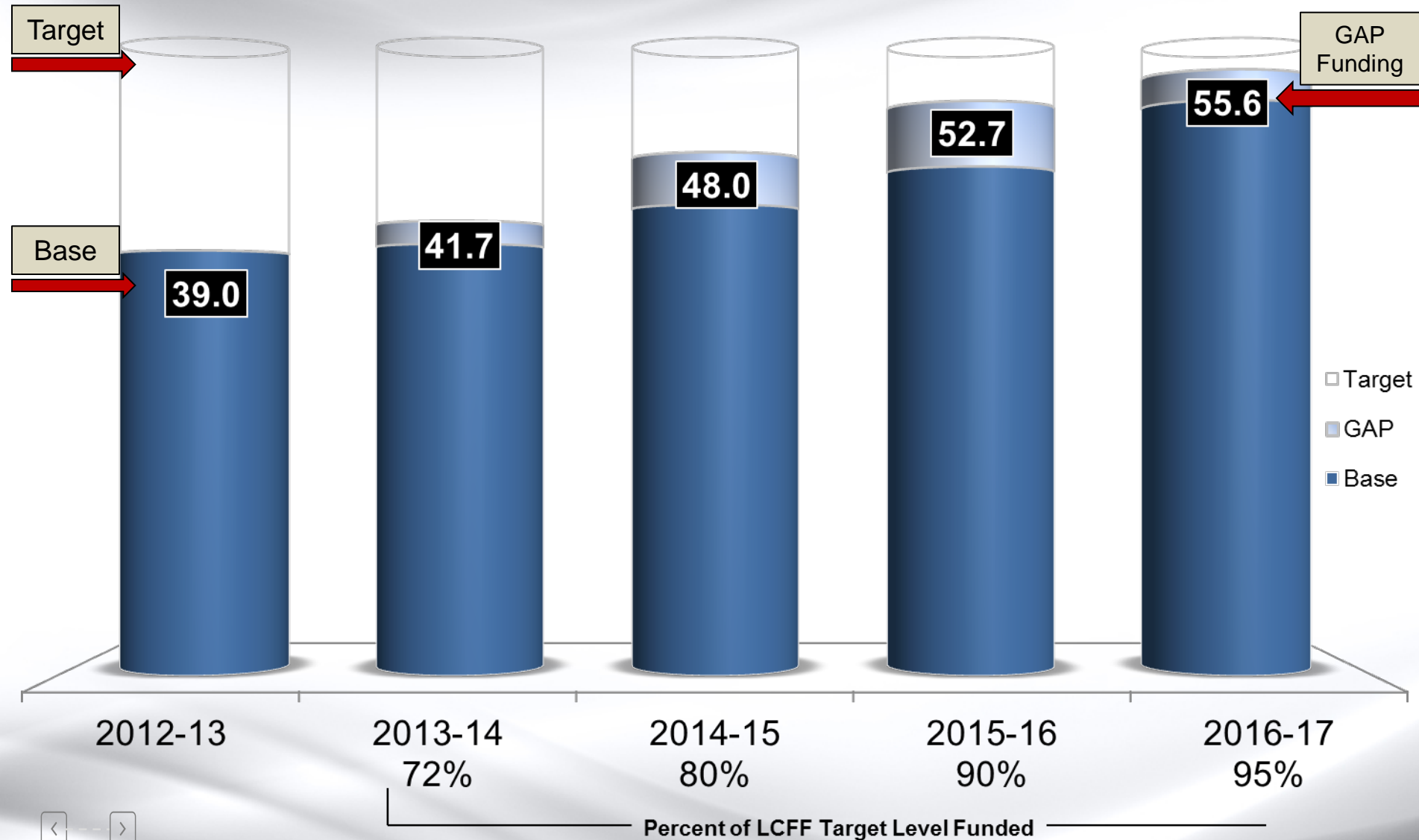
Dollars in Thousands



LCFF Projected to be 95% Implemented in 2016-17

6

Dollars in Billions



General Fund Expenditure by Agency

2011-12

2016-17

9% Others

10% Others

9% Corrections & Rehabilitation

9% Corrections & Rehabilitation

31%

Health & Human
Services

27%

Health & Human
Services

11% Higher Education

12% Higher Education

39%

Education
\$34.0 B

42%

Education
\$51.2 B



General Fund Expenditure by Agency

2007-08**2016-17**

9% Others

10% Others

10% Corrections & Rehabilitation

9% Corrections & Rehabilitation

29%

Health & Human
Services

27%

Health & Human
Services

11% Higher Education

12% Higher Education

41%

Education
\$42.5 B

42%

Education
\$42.5 B

General Fund Expenditure by Agency

2005-06

2016-17

10%

Others

10%

Others

8%

Corrections & Rehabilitation

9%

Corrections & Rehabilitation

29%

Health & Human
Services

27%

Health & Human
Services

11%

Higher Education

12%

Higher Education

41%

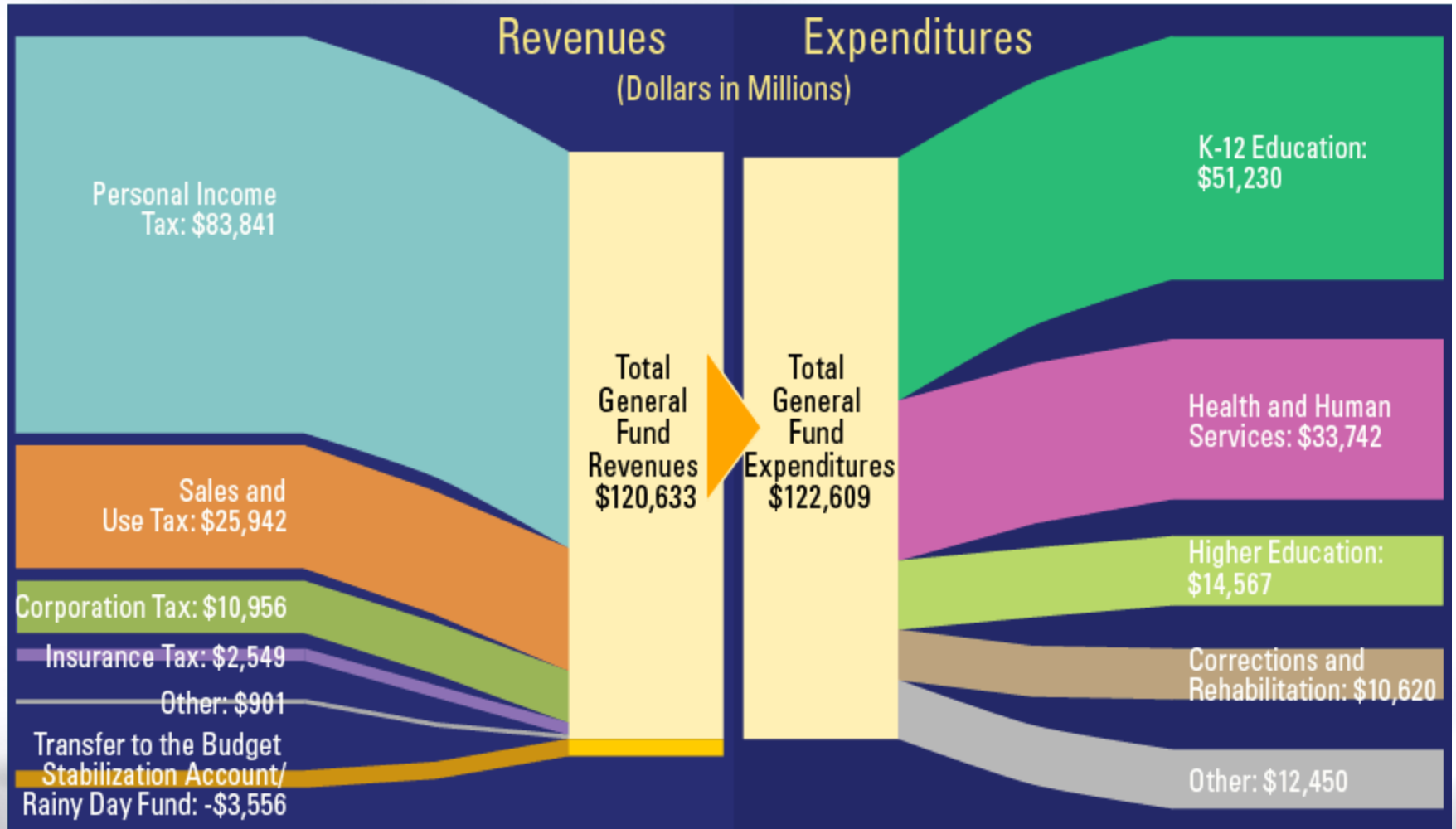
Education
\$37.9B

42%

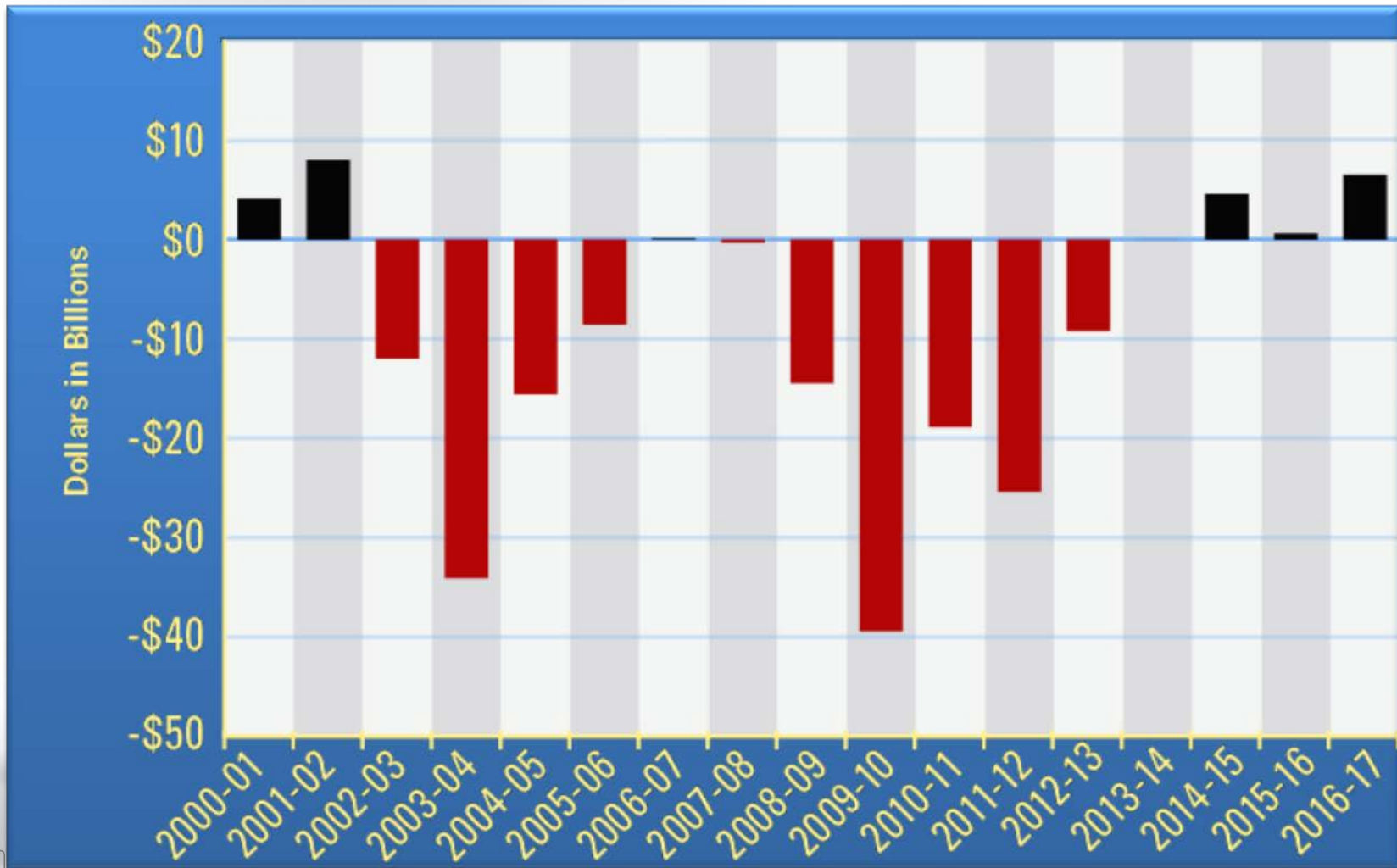
Education
\$51.2 B



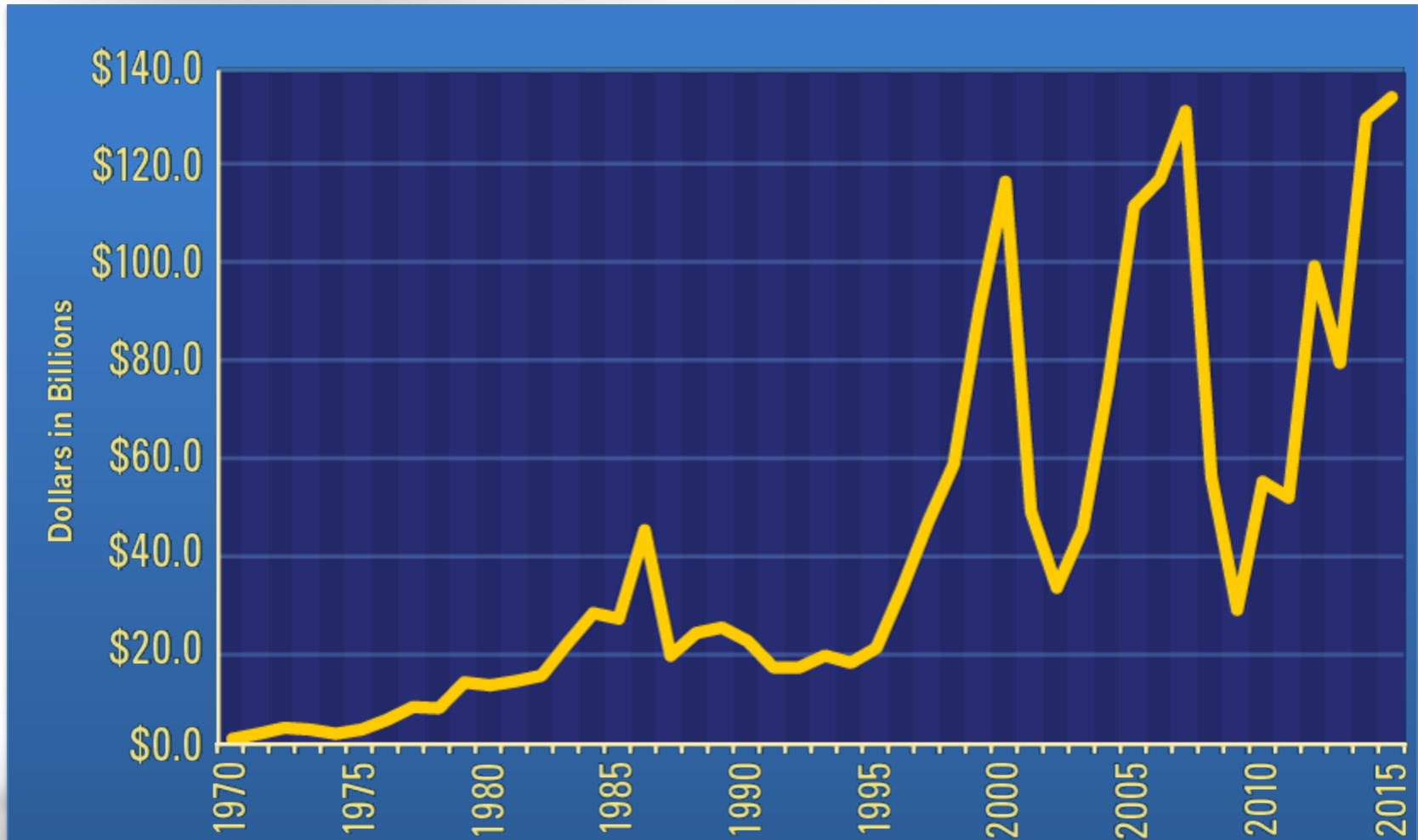
2016-17 General Fund Revenues vs. Expenditures



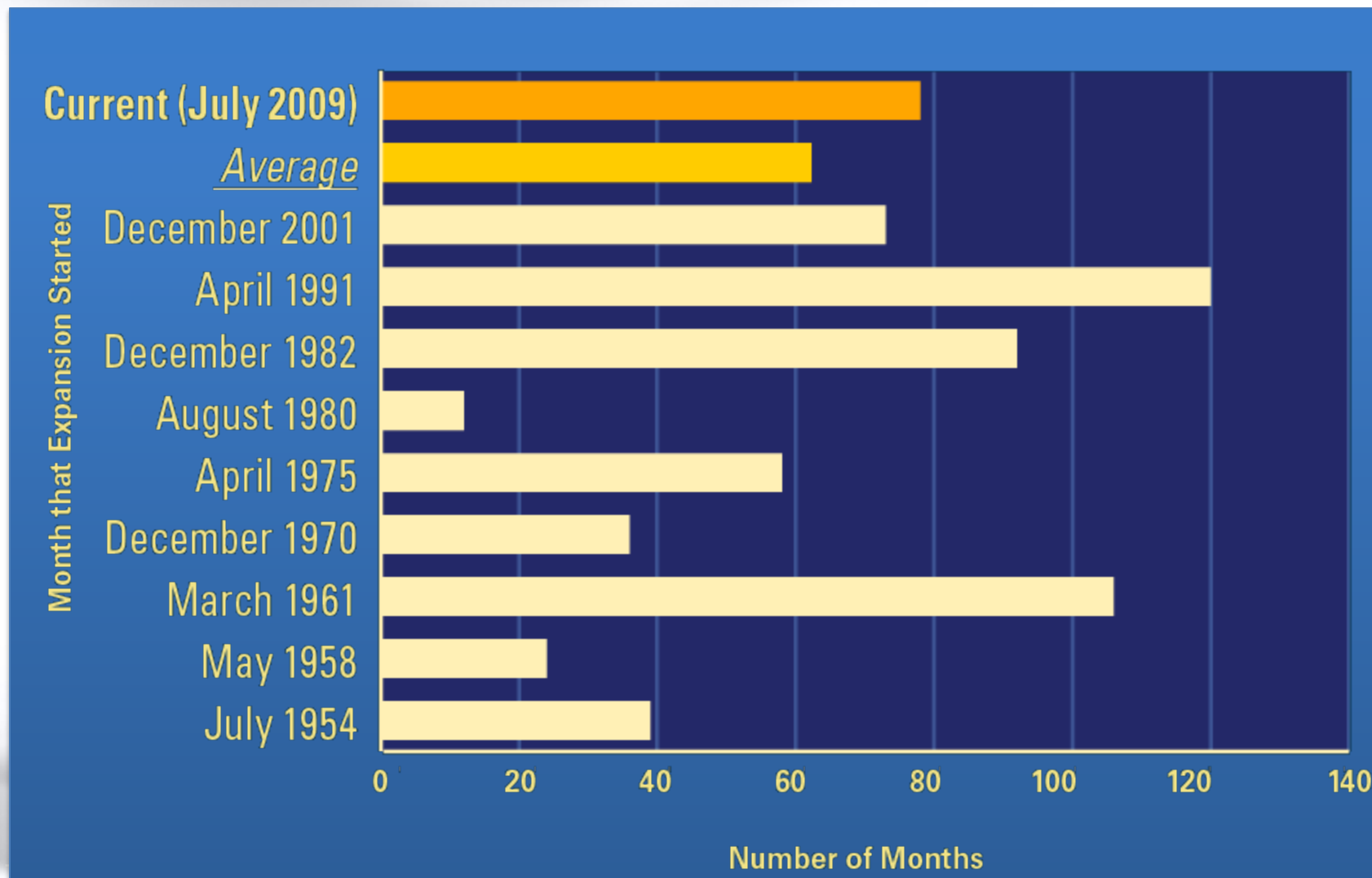
Balanced Budgets Have Been Quickly Followed by Huge Deficits



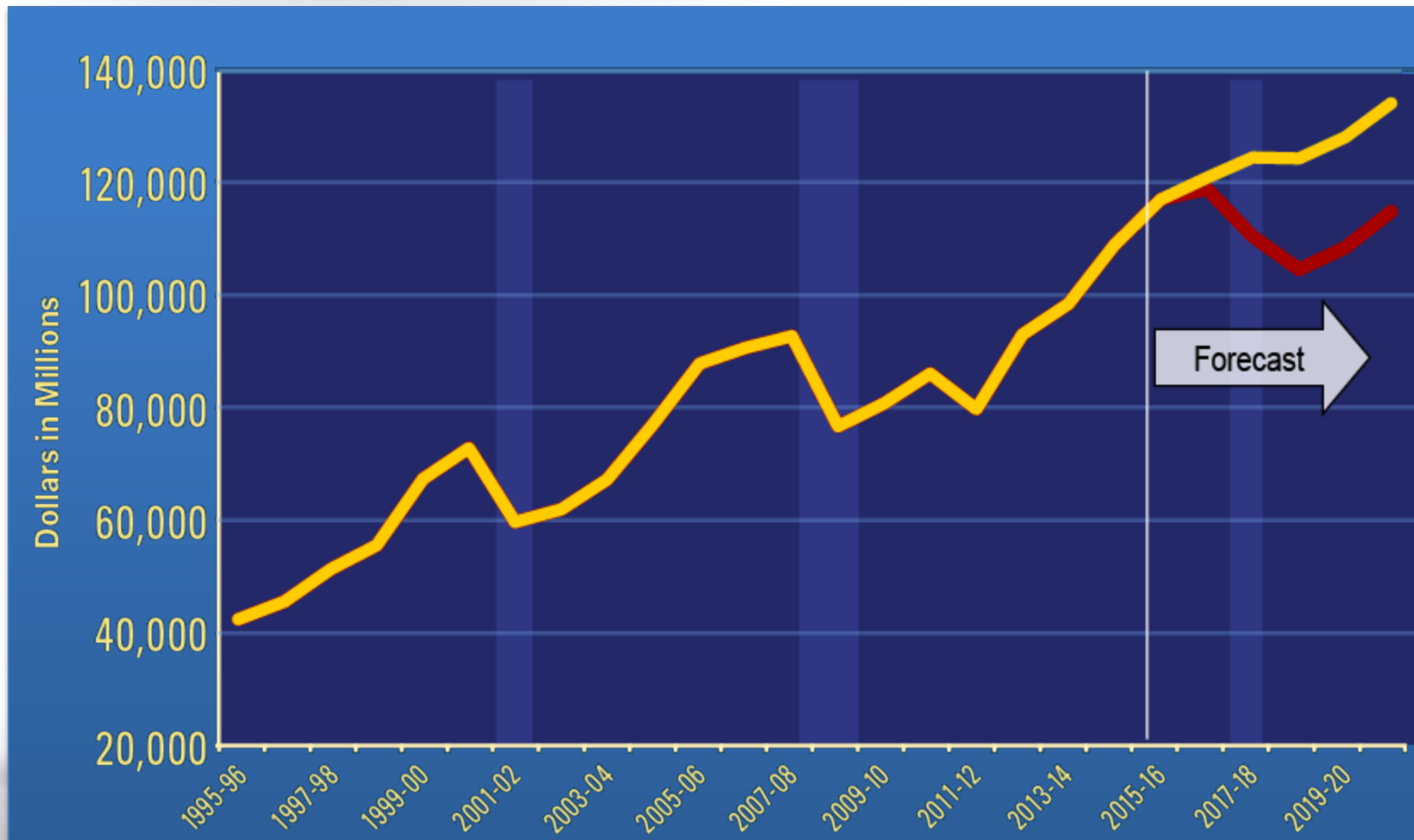
Unpredictable Capital Gains



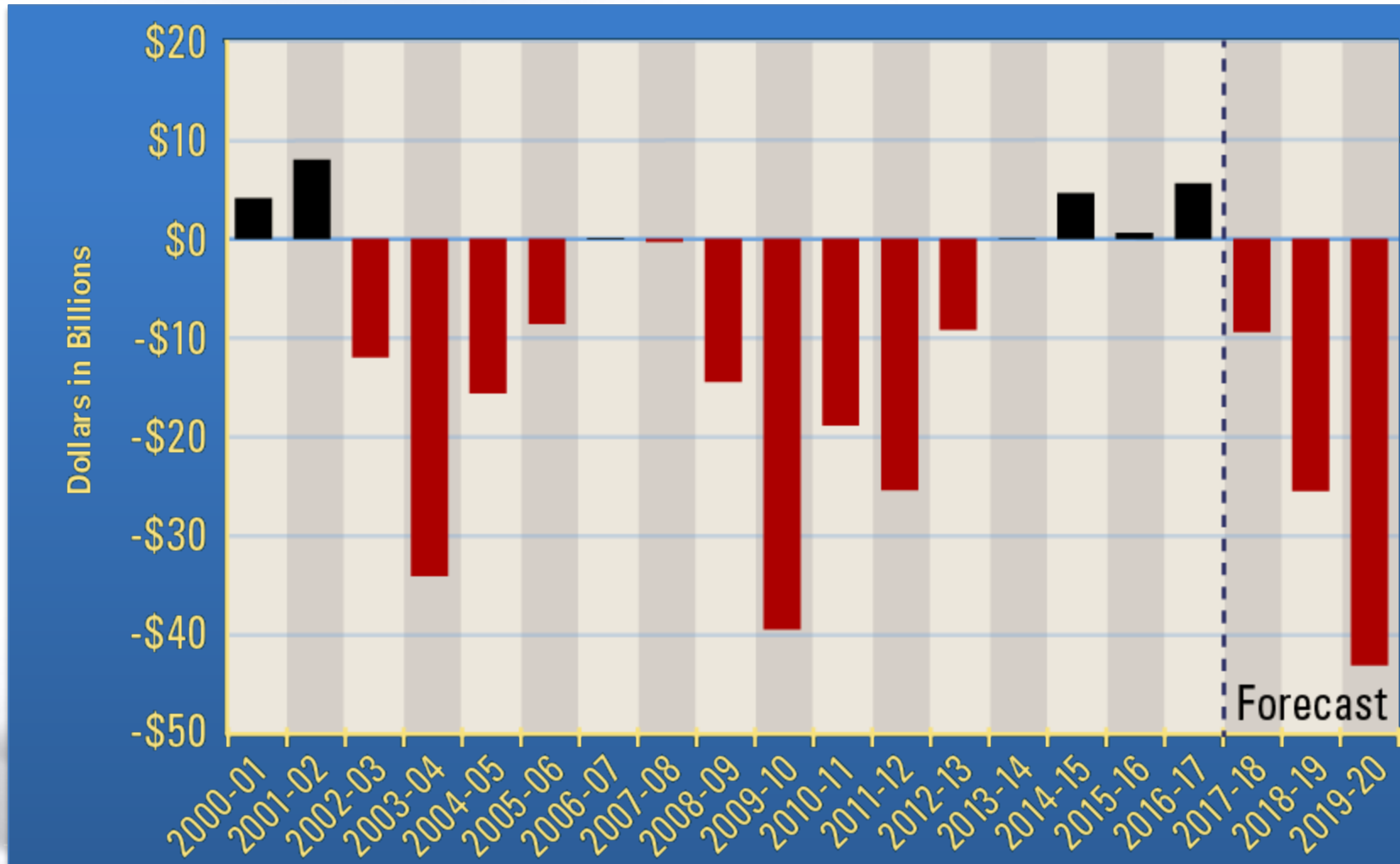
Current Recovery Already Two Years Longer Than Average



Recession Could Cause Loss of \$55 Billion in Revenues by 2019-20



More Permanent Spending, Combined with Recession, Would Be Devastating





Thank You!

Slides Courtesy of Jeff Bell

ITEM #: 8

DATE: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: **Board Policy – Update/Revision**

BACKGROUND:

Periodically the Board reviews, revises and/or adopts Board Policy. We currently have contracted with CSBA to put all our policies on Gamut On-Line. We use the CSBA policy update service for identification of policy changes necessitated by changes in law.

STATUS:

Policies identified for review and/or changes are submitted to the Board for possible consideration of approval.

FISCAL IMPACT:

N/A

BOARD GOAL:

Board Focus Goal III – COMMUNICATION/COMMUNITY INVOLVEMENT

Establish and maintain consistent and effective communication that is transparent and timely in an effort to provide and receive information that will engage and educate our District and community.

RECOMMENDATION:

District Administration recommends the Board of Trustees receive these board policies for first reading and possible consideration for action.

RUSD Board Policy, Administrative Regulations and Board Bylaws

October 11, 2016

POLICY	TITLE	REQUIREMENT
First Reading		
BP/AR 0520.2	Title I Program Improvement Schools <i>BP - ADOPT</i> <i>AR - REVISE</i>	Policy and regulation updated to reflect the Every Student Succeeds Act (ESSA) (P.L. 114-95), U.S. Department of Education (USDOE) guidance, and the California Department of Education (CDE) transition plan, which require schools identified for program improvement (PI) to continue to implement their school improvement plans during the 2016-17 school year while a new system of school support and improvement activities for Title I schools is developed. Policy also deletes references to the federal measure of "adequate yearly progress" and the requirements to offer intradistrict transfers and supplemental educational services (SES) to eligible students, as these have been eliminated under ESSA. Material on the Parent Empowerment Act moved from AR to BP, and "Program Evaluation" section revised to reflect requirement to develop and post a report card with specified content. Regulation deletes sections on "Definitions," "Parental Notifications," "Student Transfers," and "Supplemental Educational Services," and adds section on "Alternative Supports" to reflect the CDE's transition plan which requires that district-defined supports be provided to eligible students.
BP/AR 0520.3	Title I Program Improvement Districts <i>BP - REVISE</i> <i>AR - DELETED</i>	Policy updated to reflect the Every Student Succeeds Act (P.L. 114-95), USDOE guidance, and the CDE's transition plan, which, for the 2016-17 school year, require districts identified for program improvement (PI) to continue to implement their improvement plans and any recommendations of a district assistance and intervention team assigned to the district. Policy deletes outdated reference to the federal measure of "adequate yearly progress," deletes section on "Early Warning System" since districts are not being newly identified for PI, and consolidates and shortens material reflecting requirements for districts based on the number of years in PI. Regulation deleted as some requirements are no longer applicable and others are duplicated in the BP.
BP/AR 3311	Bids <i>REVISE</i>	Policy and regulation updated to include requirements for districts that choose to use the alternative Uniform Public Construction Cost Accounting Act (UPCCAA) for contracting for public works projects. Regulation also reflects new 2016 bid limit established by the Superintendent of Public Instruction for specified projects, and adds new section on "Lease-Leaseback Contract" reflecting legal requirements and NEW COURT DECISION (<u>McGee v. Balfour Beatty Construction LLC</u>).

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520.2(a)

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following **optional** policy is for use by districts that receive federal Title I funds to improve the academic achievement of students from economically disadvantaged families. As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of school support and improvement activities for Title I schools beginning in the 2017-18 school year. Using a methodology to be established in the state plan, the California Department of Education (CDE) will be required to identify and notify districts regarding schools that need "comprehensive support and improvement," including schools in the lowest performing five percent of Title I schools, all high schools failing to graduate one third or more of their students, and schools in which a subgroup of students, considered on its own, would lead to identification among the lowest performing five percent of schools. The CDE will also be required to notify districts of schools that have a consistently underperforming subgroup of students and therefore need "targeted support and improvement." Until the new school improvement system is in place, schools that were previously identified for program improvement (PI) for failure to make "adequate yearly progress" (AYP) for two or more consecutive years must continue to implement their improvement plans and are subject to the requirements of this policy and the accompanying administrative regulation.

For requirements pertaining to districts identified for PI, see BP/AR 0520.3 - Title I Program Improvement Districts.

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the district shall provide support and assistance to increase student achievement in any school that receives federal Title I funding and has been identified by the California Department of Education as a program improvement (PI) school.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

(cf. 6171 - Title I Programs)

Note: Although school improvement plans are still in effect for PI schools, districts are no longer required, because of the repeal of 20 USC 6316 by P.L. 114-95, to (1) offer intradistrict transfers to all students in Title I schools identified for Year 1 PI or beyond or (2) provide supplemental educational services from an approved service provider to eligible students in schools identified for Year 2 PI or beyond.

At their discretion, districts may choose to continue to offer intradistrict transfers to students in PI schools. If the Governing Board elects to continue to offer the option to transfer, it may revise the paragraph below to reflect that option. 20 USC 6311, as amended by P.L. 114-95, requires that any student who was previously granted a transfer out of a PI school be allowed to remain at the school to which he/she transferred until the highest grade maintained at that school; see BP/AR 5116.1 - Intradistrict Open Enrollment.

In addition, although the requirement to provide supplemental educational services was repealed, the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year; see the accompanying administrative regulation. Also see BP 6179 - Supplemental Instruction and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).

The Superintendent or designee shall ensure that school improvement strategies developed for any PI school are coordinated, aligned, and effectively implemented in accordance with administrative regulation and the Board-approved school improvement plan.

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6179 - Supplemental Instruction)

Note: When a school enters Year 3 PI, the Board is required to select corrective action(s) to be applied to the school. The Board also must select a restructuring option for any school that enters Year 4 PI. See the accompanying administrative regulation for allowable options.

As necessary, the Board shall determine corrective actions for schools in Year 3 of PI and/or restructuring options for schools in Year 4 of PI or beyond.

Note: Pursuant to Education Code 53300-53303 (the Parent Empowerment Act) and 5 CCR 4800-4808, when a school enters Year 4 PI, continues to fail to make AYP, has a state Academic Performance Index (API) of less than 800, and is not identified by the CDE as a "persistently lowest achieving school," the parents/guardians of that school may petition the district to implement one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as these models are described in 5 CCR 4803-4807. However, both the AYP and API measures are currently suspended and the CDE's last identification of "persistently lowest achieving schools" was in 2015 based on 2013-14 data. Thus, districts should consult with legal counsel if they have questions about their eligibility to receive a parent/guardian petition under the Parent Empowerment Act. The district must notify the Superintendent of Public Instruction and the State Board of Education when it receives such a petition and when it takes action on the petition. This option is limited to 75 schools statewide.

Whenever a school is identified for Year 4 PI but is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the Board to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)

Program Evaluation

Note: Pursuant to 20 USC 6311, any district receiving Title I, Part A funds must prepare and disseminate an annual report card which includes specified information. As amended by P.L. 114-95, 20 USC 6311 expands the required content of the report card but no longer requires that it include annual measurable objectives, AYP, or teacher quality information.

Rather than issuing a district-level report card, districts are allowed by 20 USC 6311 to incorporate the information into the school accountability report card required by Education Code 35256; see BP 0510 - School Accountability Report Card.

The Superintendent or designee shall develop an annual report card that includes the information specified in 20 USC 6311 for each district school and for the district as a whole. The required information may be incorporated into each school's school accountability report card. (20 USC 6311)

(cf. 0510 - School Accountability Report Card)

(cf. 6190 - Evaluation of the Instructional Program)

Note: 20 USC 6311 requires that the report card be accessible to the public by posting it on the district's web site or, if the district does not have its own web site, then in a manner determined by the district. A district that does not have a web site should revise the following paragraph to reflect the method it will use to disseminate the report card.

The report card shall be concise, presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand. It shall be made accessible to the public on the district's web site. (20 USC 6311)

(cf. 1113 - District and School Web Sites)

As necessary based on the results of this evaluation, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

35256 School accountability report card

53200-53203 Persistently lowest achieving schools

53300-53303 Parent Empowerment Act

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

CODE OF REGULATIONS, TITLE 5

11992-11994 Persistently dangerous schools, definition

4800-4808 Parent Empowerment petitions

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

6301 Title I program purpose

6311 State plan; state and local educational agency report cards

6312 Local educational agency plan

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Persistently dangerous schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

200.49-200.51 *State responsibilities*
200.52-200.53 *District improvement*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

FEDERAL REGISTER

Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

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

Policy
adopted:
Considered October 11, 2016

CSBA MANUAL MAINTENANCE SERVICE
July 2016

Rescue Union ESD

Administrative Regulation

Title I Program Improvement Schools

AR 0520.2

Philosophy, Goals, Objectives, and Comprehensive Plans

Definitions

~~Adequate yearly progress (AYP) refers to (a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)~~

~~(cf. TITLE I PROGRAM IMPROVEMENT SCHOOLS~~

Note: The following administrative regulation reflects the requirements of federal and state law for Title I schools that were identified by the California Department of Education (CDE) for program improvement (PI) for failing to make "adequate yearly progress" for two or more consecutive school years. Until a new system of school support and improvement is implemented beginning in the 2017-18 school year pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), PI schools are required to implement the same interventions in the 2016-17 school year as were required in the 2015-16 school year, with specified exceptions. Districts are no longer required to offer intradistrict transfers to students in schools in Year 1 PI and beyond, to provide supplemental educational services by an approved provider in schools in Year 2 PI and beyond, or to issue certain notifications. See the U.S. Department of Education's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016).

~~0500—Accountability)~~

~~(cf. 6162.51—Standardized Testing and Reporting Program)~~

~~(cf. 6162.52—High School Exit Examination)~~

~~Program improvement (PI) school refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)~~

~~A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level~~

~~report, its results shall be aggregated into a district accountability measure.~~

Year 1 Program Improvement

~~For~~When any ~~district~~Title I school in its first year of program improvement (is initially identified for PI), the:—(20 USC 6316)

~~1.The Superintendent or designee shall implement a school improvement plan that was approved provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.~~

~~(cf. 0420.4—Charter School Authorization)~~

~~(cf. 5116.1—Intradistrict Open Enrollment)~~

~~2.Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.~~

~~(cf. 6020—Parent Involvement)~~

~~To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.~~

~~(cf. 0420—School Plans/Site Councils)~~

~~(cf. 6171 - Title I Programs)~~

~~3.Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.~~

~~4.The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.~~

~~5.The~~As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance from the district, California Department of Education (CDE), ~~CDE~~, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:

1a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan

- | ~~2b.~~ Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI
- | ~~3e.~~ Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

(cf. 3100 - Budget)

Year 2 Program Improvement

For any ~~district~~Title I school ~~in its second year of that fails to make AYP by the end of the first full school year after being identified for PI~~, the Superintendent or designee shall continue to implement the school improvement plan and to provide for technical assistance in accordance with the section "Year 1 Program Improvement" above.

~~In addition, take all of the Superintendent or designee shall arrange following actions:—(20 USC 6316)~~

~~1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"~~

~~2. ———Arrange~~ for the provision of alternative supports~~supplemental educational services (SES)~~ to eligible students from low-income families ~~by a provider with a demonstrated record of effectiveness~~, as described below in the section "Alternative Supports."~~Supplemental Educational Services"~~

~~3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above~~

Year 3 Program Improvement: Corrective Action

~~After~~When a school continues to fail to make AYP by the end of the second full school year after identification for PI, ~~(four consecutive years of failure to make AYP)~~, the Superintendent or designee shall continue to ~~implement~~provide all elements of Year 1 and Year 2 PI specified above, ~~as well as the. In addition, the Board shall take one or more of the following~~ corrective action(s) ~~determined by the Board, which may include:actions:—(20 USC 6316)~~

- | 1. ~~Replacing~~Replace school staff relevant to the failure

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4314 - Transfers)

- | 2. ~~Implementing~~Implement a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

3. Significantly ~~decreasing~~decrease management authority at the school level

4. ~~Appointing~~Appoint an outside expert to advise the school

5. ~~Extending~~Extend the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. ~~Restructuring~~Restructure the internal organization of the school

~~Whenever a school is identified for Year 3 PI, continues to fail to make AYP, has an API of less than 800, and is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the district to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)~~

Year 4 Program Improvement and Beyond: Restructuring

For any school ~~in Year 4 that continues to fail to make AYP after one full year of PI or beyond corrective action~~, the Superintendent or designee shall continue to ~~provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement all elements of Year 1 and Year 2 PI specified above, as well as~~ one of the following options for alternative governance and restructuring, ~~as determined by the Board; consistent with state law: (20 USC 6316)~~

1. ~~Reopening~~Reopen the school as a charter school

2. ~~Replacing~~Replace all or most of the school staff relevant to the failure

3. ~~Entering~~Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school

4. ~~Turning~~Turn the operation of the school over to the CDE

5. ~~Instituting~~**Institute** any other major restructuring of the school's governance arrangements that makes fundamental reforms

Notifications

~~Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)~~

~~1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state~~

~~2. _____ The reasons for the identification~~

~~3. _____ An explanation of what the school is doing to address the problem of low achievement~~

~~4. An explanation of what the district or state is doing to help the school address the achievement problem~~

~~5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI~~

~~6. An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"~~

~~7. _____~~ **Alternative Supports**

Note: The following section should be revised to reflect district practice. P.L. 114-95 repealed 20 USC 6316 which had required Title I schools identified for Year 2 PI, corrective action, or restructuring to provide eligible students with supplemental educational services from an approved service provider. In accordance with the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. The following section is consistent with the CDE's transition plan. Also see BP 6179 - Supplemental Instruction.

In any school identified for Year 2 PI or beyond, eligible students from low-income families shall be offered district-selected alternative supports designed to improve their academic achievement. Alternative supports may include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, during intercession, and/or during summer learning programs

~~If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"~~

(cf. 5145.6—Parental Notifications)

~~The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies.—(20 USC 6316)~~

~~The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance.—(20 USC 6316)~~

~~(cf. 4112.9/4212.9/4312.9—Employee Notifications)~~

~~All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.—(20 USC 6316; 34 CFR 200.36)~~

~~To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES.—(34 CFR 200.48)~~

~~Student Transfers~~

~~All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school:—(20 USC 6316; 34 CFR 200.44)~~

~~1. _____ Has not been identified for PI, corrective action, or restructuring~~

~~In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.~~

~~(cf. 5117—Interdistrict Attendance)~~

~~2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994~~

~~(cf. 0450—Comprehensive Safety Plan)~~

~~Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low income families, as defined by the district for purposes of allocating Title I funds.—(20 USC 6316; 34 CFR 200.44)~~

~~If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered.—(34 CFR 200.44)~~

~~The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.~~

~~The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)~~

~~Notice of the transfer option shall:~~

~~1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district~~

~~2. _____ Identify each school that the parent/guardian may select~~

~~3. _____ Explain why the choices made available to the parents/guardians may have been limited~~

~~4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank order their preferences of eligible schools as appropriate~~

~~5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)~~

~~6. _____ Explain the provision of transportation to the new school (34 CFR 200.37)~~

~~The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before and after school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)~~

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

~~(cf. 5148.2 - Before/After School Programs)~~

~~In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)~~

~~(cf. 6176 - Weekend/Saturday Classes 1100 - Communication with the Public)~~

~~(cf. 1113 - District and School Web Sites)~~

~~(cf. 1114—District-Sponsored Social Media)~~

~~The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter.—(34 CFR 200.39)~~

~~In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.~~

~~The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend.—(20 USC 6316; 34 CFR 200.44)~~

~~(cf. 6177 - Summer Learning Programs; 3540—Transportation)~~

~~To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.~~

~~(cf. 3541—Transportation Routes and Services)~~

~~Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring.—(20 USC 6316; 34 CFR 200.44)~~

Supplemental Educational Services

~~When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards.—(20 USC 6316)~~

~~(cf. 6011—Academic Standards)~~

~~(cf. 6179 - Supplemental Instruction)~~

2. Small group instruction and/or pull-out interventions offered during the regular school day

3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs

4. High quality academic tutoring

5. Provision of supplemental materials that support alternative support services

6. Provision of a crisis, intervention, and/or academic counselor to meet with eligible students

7. Services and programs that remove barriers to promote academic achievement of eligible students

The types of alternative supports and the criteria used to identify eligible students may be included in the district's local control and accountability plan and shall be consistent and aligned with local priorities.

(cf. 0460 - Local Control and Accountability Plan)

If the district contracts with outside entities or community partners to provide alternative supports to eligible students, the Superintendent or designee shall ensure that no electronic device or other items of value are given, retained, or used as an incentive or achievement award and that funds are expended only on direct services to eligible students. provide annual notice to parents/guardians that includes:— (20 USC 6316; 34 CFR 200.37)

1. _____The availability of SES

2. The identity of approved providers that are within the district shall set aside a reasonable amount or are reasonably available in neighboring local educational agencies

3. _____The identity of approved providers of technology based or distance learning services

4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of Title I, Part A funds for alternative supports. Whenever the district does not have sufficient funds, those providers who are able to serve all eligible students, it may give priority to the lowest achieving PI schools or the lowest achieving eligible students attending a PI students with disabilities or limited English proficiency

5. _____The benefits of receiving SES

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school, for PI, corrective action, or restructuring.— (34 CFR 200.37)

The district shall prominently display on its web site, in a timely manner each school year, a list of state approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year and each subsequent year

~~thereafter. (34 CFR 200.39)~~

~~The Superintendent or designee may identify shall distribute sign-up forms for SES directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)~~

~~The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable the parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider. (34 CFR 200.48)~~

~~Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)~~

~~The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)~~

~~When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.~~

~~No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)~~

~~(cf. 9270—Conflict of Interest)~~

~~The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)~~

~~(cf. 6159—Individualized Education Program)~~

~~(cf. 6164.4—Identification and Evaluation of Individuals for Special Education)~~

~~(cf. 6164.6—Identification and Education Under Section 504)~~

~~(cf. 6174—Education for English Language Learners)~~

~~If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.~~

~~If available funds are insufficient to provide SES to each eligible student whose parents/guardians~~

~~request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)~~

~~If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students based on assessment scores, grades,~~

~~Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)~~

~~1.Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.~~

~~2.Describe how the student's parents/guardians and teacher evaluations, or another locally defined measure(s) will be regularly informed of the student's progress.~~

~~3.Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.~~

~~4. _____ Contain provisions with respect to the district making payments to the provider.~~

~~5.Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.~~

~~(cf. 5125.1—Release of Directory Information)~~

~~In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)~~

~~The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or~~

~~designee shall maintain responsibility to review and approve the student learning plan to ensure that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)~~

~~Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)~~

~~(cf. 1330—Use of School Facilities)~~

Regulation

approved: October 8, 2013

considered: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

Rescue, California

Rescue Union ESD

Board Policy

Title I Program Improvement Districts

BP 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

Note: The following **optional** policy is for use by districts that receive federal Title I funds and have been identified for districtwide program improvement (PI) by the California Department of Education (CDE) for failure to make "adequate yearly progress" for two or more consecutive years.

As amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), 20 USC 6311 provides for a new system of support and improvement activities for Title I schools and districts beginning in the 2017-18 school year. Until the new system is in place, the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016) requires that districts previously identified for PI must continue to implement their improvement plans and fulfill the requirements described in this policy.

See BP/AR 0520.2 - Title I Program Improvement Schools for requirements pertaining to individual schools identified for PI or for single school districts.

The Governing Board desires to continuously improve educational district operations and programs and district operations to enable all students to achieve proficiency. The Superintendent or designee shall ensure the implementation and coordination of all district improvement plans and shall annually report to the Board regarding the district's performance in making progress toward student achievement standards.-

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0500 - Accountability)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6011 - Academic Standards)

(cf. 6162.51 - State Academic Achievement Tests Standardized Testing)

The district shall implement all actions required for Title I program improvement (PI) as required by law and the Reporting Program)

Early Warning Program

Whenever the district is provided early warning by the California Department of Education (CDE).

Note: Education Code 52055.57 requires districts in Year 1 of PI to conduct a self-assessment using materials and criteria provided by the CDE. Among the tools required by the CDE is the District Assistance Survey, which assesses how the district supports its schools in the areas of standards-based curriculum, instruction, and assessment; professional development; human resources; data systems, data analysis, and ongoing monitoring; parent and community involvement; fiscal operations; and governance and leadership. PI districts are also

required to complete the English Learner Subgroup Self Assessment and the Inventory of Services and Supports for Students with Disabilities and to analyze the needs of English learners and students with disabilities. The CDE's Academic Program Survey may be used to provide school-level information on the extent to which the school is providing a coherent instructional program to support student achievement. These tools are available on the CDE's web site.

~~The development of district improvement strategies shall be based upon the revise the Title I Local Educational Agency (LEA) plan based on the results of a self-assessment conducted with state program assessment tools that identify specific problems contributing to low student achievement.~~

~~Each year that the district is in PI status, it shall;assessment. (Education Code 52055.57)~~

Note: Requirements for districts in any year of PI include review and revision of the district's Title I local educational agency (LEA) plan. The CDE recommends that districts develop an addendum to the LEA plan rather than revising the entire plan and has developed a template for this purpose, available on the CDE's web site. The template indicates that the addendum must be approved by the Governing Board and sent to the CDE.

According to the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the separate LEA plan will be transitioned out at the end of the 2016-17 school year and, beginning in the 2017-18 school year, state and federal planning requirements will need to be met through the district's local control and accountability plan and the consolidated application reporting system.

1. ~~Review the Title I local educational agency (LEA) plan and, as needed, revise the plan. Revisions may be made in an addendum to the existing plan. The revised LEA plan or plan addendum shall be approved by the Board and electronically submitted to the CDE.~~

(cf. 6171 - Title I Programs)

Prevention of Local Educational Agency Intervention Program

~~Whenever notified by the CDE that the district is at risk of being identified for program improvement within two years, the Board shall determine whether the district will participate in the state's voluntary prevention program. The Board shall hold a public hearing at a regularly scheduled meeting if it elects not to participate in the prevention program, in order to discuss the reasons and rationale for not participating and to explain the manner in which it intends to address the needs of the district. (Education Code 52055.57)~~

Program Improvement

~~If the district is identified for program improvement, the Superintendent shall administer a district self-assessment process, and develop and implement a new or revised LEA plan in accordance with law and administrative regulation. (20 USC 6316; Education Code 52055.57)~~

~~The LEA plan shall be approved by the Board and submitted to the CDE.~~

~~The Superintendent shall utilize local and state resources available to provide technical assistance and support. He/she also shall work closely with individual school sites identified for program improvement to raise student achievement in accordance with school plans.~~

~~(cf. 2. Reserve and spend at least 10 percent of its Title I, Part A allocation to provide high-quality professional development for instructional staff~~

~~(cf. 4131 - Staff Development)~~

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

Note: Districts in Year 3 of PI or beyond are subject to corrective actions as recommended by the Superintendent of Public Instruction and approved by the State Board of Education (SBE). Pursuant to Education Code 52055.57, the SBE must choose at least one of the following sanctions: (1) replacement of district staff who are relevant to the district's inability to make adequate progress; (2) removal of individual schools from the district's jurisdiction; (3) appointment of a trustee to administer the district; (4) abolishment or restructuring of the district; (5) implementation of a new curriculum based on state content and achievement standards, including provision of research-based professional development for all relevant staff; (6) deferment of programmatic funds or reduction of administrative funds; and (7) in conjunction with any of items #1-6, authorization for students to transfer to a higher performing school in another district and to be provided transportation. In addition, the SBE may require the district to contract with a district assistance and intervention team.

In addition, during Year 3 of PI or beyond, the Board shall cooperate with the Superintendent of Public Instruction and the State Board of Education (SBE) in the identification and implementation of appropriate corrective actions. As applicable, the district shall implement the recommendations of the district assistance and intervention team (DAIT) that has been assigned to assist the district pursuant to Education Code 52055.57.

~~0520—Intervention for Underperforming Schools)~~

~~(cf. 0520.1—High Priority Schools Grant Program)~~

The Superintendent or designee shall submit to the CDE an annual report regarding the district's evidence of progress, including a summary description of the district's progress toward implementing the strategies in the LEA plan, an analysis of the district's progress toward student achievement goals in the LEA plan based on state or local assessment data, and documentation that the Board has been notified of the report.

In the event that the district is required to appear before the SBE within Year 3 of PI to review the district's progress, the Superintendent or designee, the DAIT, and/or the County Superintendent of Schools shall provide testimony and written data sufficient for the SBE to determine whether an alternative corrective action is needed. (Education Code 52055.57)

~~(cf. 0520.2—Title I Program Improvement Schools)~~

~~The Superintendent shall regularly report to the Board regarding the implementation of the LEA plan.—~~

High Number/High Percentage of Program Improvement Schools

~~If the district is not identified for program improvement or the prevention program described above, but has 10 or more schools or 55 percent of its schools identified for program improvement, it shall use any funding provided by the state to support such schools and to determine barriers to improved student academic achievement in those schools. (Education Code 52055.57)~~

Legal Reference:

EDUCATION CODE

52055.57-~~52055.59~~ Districts identified or at risk of identification for program improvement

52059 Statewide system of school support

UNITED STATES CODE, TITLE 20

6301 Title I program purpose

6311 ~~State plan~~ Adequate yearly progress

6312 Local educational agency plan

~~6316 School and district improvement~~

6321 Fiscal responsibilities

CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.13-200.20 Adequate yearly progress~~

~~200.30-200.35 Identification of program improvement schools~~

~~200.36-200.38 Notification requirements~~

~~200.52-200.53 District improvement~~

Management Resources:-

CALIFORNIA U.S. DEPARTMENT OF EDUCATION PUBLICATIONS GUIDANCE

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

Local Educational Agency Program LEA and School Improvement Plan Addendum Template, rev. April

2016 Non-Regulatory Guidance, January 7, 2004

WEB SITES

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

California Department of Education, Program Improvement:

<http://www.cde.ca.gov/ta/ac/ti/programimprov.asp>

U.S. Department of Education, ~~No Child Left Behind~~: <http://www.ednclb.gov>

Policy

adopted: September 2004

considered: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

Rescue, California

DELETE

Rescue Union ESD

Administrative Regulation

Title I Program Improvement Districts

AR 0520.3

Philosophy, Goals, Objectives and Comprehensive Plans

Prevention of Local Educational Agency Intervention Program

Whenever the district is notified that it is at risk of being identified within two years for program improvement under the federal No Child Left Behind Act, and the Governing Board elects to participate in the state's Prevention of Local Educational Agency Intervention Program, the district shall complete all of the following actions: (Education Code 52055.57)

1. Conduct a self-assessment using materials and criteria based on current research and provided by the California Department of Education (CDE)
2. No later than 30 days after the Board elects to participate in the program, contract with a county office of education, or another external entity, after working with the County Superintendent of Schools, for the following purposes:
 - a. Verifying the fundamental teaching and learning needs in district schools as determined by the self-assessment and identifying the specific academic problems of low-achieving students, including a determination as to why the prior district plan failed to result in increased student academic achievement
 - b. Ensuring that the district receives intensive support and expertise to implement district reform initiatives in the Title I Local Educational Agency (LEA) plan revised in accordance with item #3 below
3. Revise and expeditiously implement the LEA plan to reflect the findings of the verified self-assessment.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

Requirements for Program Improvement District

If the district is identified for program improvement:

1. The Superintendent or designee shall promptly notify parents/guardians of each district student regarding the district's program improvement status, the reasons for the identification, and how parents/guardians can participate in upgrading the quality of the district's programs. The notification shall be in a format and, to the extent practicable, in a language the parents/guardians

can understand. (20 USC 6316)

(cf. 5145.6 - Parental Notifications)

2. The district shall conduct a self-assessment using research-based materials and criteria provided by the CDE. (Education Code 52055.57)

3. No later than 90 days after the district's identification for program improvement, the Board shall contract with a county office of education, or another external entity after working with the County Superintendent of Schools, in order to verify the district's self-assessment. (Education Code 52055.57)

4. Within three months after the district's identification for program improvement, the Superintendent or designee shall develop or revise the LEA plan in consultation with parents/guardians, school staff, and others. This plan shall reflect the findings of the self-assessment and shall: (20 USC 6316; 34 CFR 200.52; Education Code 52055.57)

a. Incorporate scientifically based research strategies that will strengthen the core academic program in district schools

b. Identify actions that have the greatest likelihood of improving student achievement in meeting the state's academic achievement standards

c. Address the professional development needs of the instructional staff by committing to spending at least 10 percent of the district's allocation of Title I, Part A, funds for professional development

d. Include specific measurable achievement goals and targets for each of the student subgroups identified pursuant to 20 USC 6311, especially those that did not make adequate yearly progress

e. Address the fundamental teaching and learning needs in the district's schools and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring about increased student academic achievement

f. Incorporate, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

g. Specify the responsibilities of the district and the state under the plan, including the district's fiscal responsibilities under 20 USC 6321 and the technical assistance to be provided by the state

h. Include strategies to promote effective parent/guardian involvement in district schools

5. The Board shall contract with an external provider to provide support and implement recommendations to resolve shortcomings identified in the verified self-assessment. (Education Code 52055.57)

6. The district shall implement the LEA plan expeditiously, but not later than the beginning of the next school year after the school year in which the district administered the assessments that resulted in its identification for program improvement. (20 USC 6316; 34 CFR 200.52)

The district shall exit the program improvement status when it either makes adequate yearly progress or meets the current districtwide Academic Performance Index threshold for the socioeconomically disadvantaged subgroup. If it fails to meet either of these criteria after one year in program improvement, it shall continue to implement its revised LEA plan in the second year. If the district fails to achieve these goals by the end of the second year, it shall be subject to corrective actions determined by the State Board of Education. (20 USC 6316; 34 CFR 200.53; Education Code 52055.57)

Regulation RESCUE UNION SCHOOL DISTRICT
approved: September 2004 Rescue, California

Rescue Union ESD

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

The Governing Board 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. 3300 - Expenditures and Purchases)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements regarding contracting after competitive bidding. (Public Contract Code 20116, 22033)

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 and shall address the issues covered by the standardized questionnaire and model guidelines developed by the Department of Industrial Relations pursuant to Public Contract Code 20101.

(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 includes 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 and specified in the administrative regulation, 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)

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 equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

For use in contracting for public works projects, 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 required cost accounting procedures and the informal bidding procedures when allowed by law. 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.

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*

39802 *Transportation services*

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*

6610 *Bid visits*

12200 *Definitions, recycled goods, materials and supplies*

20101-20103.7 *Public construction projects, requirements for bidding*

20103.8 *Award of contracts*

20107 *Bidder's security*

20110-20118.4 *Contracting by school districts*

20189 *Bidder's security, earthquake relief*

22002 *Definition of public project*

22030-22045 *Alternative procedures for public projects (UPCCAA)*

22050 *Alternative emergency procedures*

22152 *Recycled product procurement*

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

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:

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION PUBLICATIONS
Cost Accounting Policies and Procedures Manual
Frequently Asked Questions

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

California Association of School Business Officials: <http://www.casbo.org>

California Uniform Construction Cost Accounting Commission: http://www.sco.ca.gov/ard_cuccac.html

Policy

adopted: January 2009

revised: September 10, 2013

considered: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

Rescue, California

Rescue Union ESD

Administrative Regulation

Bids

AR 3311

Business and Noninstructional Operations

The district has adopted the California Uniform Public Construction Cost Account Act procedures under Public Contract Code 22000 et. seq.

Informal Bids

Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Contractors List:

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

Advertised Bids

The district shall seek competitive bids through advertisement for contracts involving an expenditure of greater than \$175,000 for a public project, informally bid contracts involving an expenditure of less than \$175,000, and seek quotes, when feasible, for projects involving an expenditure of \$45,000 or less.

"Public project" includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a district owned, leased or operated facility. (Public Contract Code 22002)

Competitive bids shall be sought through advertisement for contracts exceeding \$50,000, for the following: (Public Contract Code 20111; Government Code 53060). The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the district
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters

3. Repairs, including maintenance that is not a public project

"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. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115).

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111- 20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district, circulated in the county, or if no such paper exists then in some newspaper of general circulation, at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. Recycled Content and Recycled Products (Public Contract Code 22150 et seq.)
 - a. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content.
 - b. Fitness and quality being equal, the District shall purchase recycled products whenever available at no more than the total cost of non-recycled products.

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)

- a. Cash
- b. A cashier's check made payable to the district
- c. A certified check made payable to the district
- d. A bidder's 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, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. 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)

4. 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)

5. 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, depending on the availability of funds, 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, will be used: (Public Contract Code 20103.8)

- a. The lowest bid shall be the lowest bid price 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 taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.

d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.

6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

Bids Not Required

Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

(cf. 3310 - Purchasing Procedures)

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. 3551 - Food Service Operations/Cafeteria Fund)

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, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

(cf. 9323.2 - Actions by the Board)

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Public projects of \$45,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order. (Public Contract Code 22032)

1. School building repairs, alterations, additions

2. Painting, repainting or decorating of school buildings
3. Repair or building of apparatus or equipment
4. Improvements on school grounds
5. Maintenance work as defined above

Sole Sourcing Brand Names

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name when one or more of the following conditions apply: (Public Contract Code 3400)

1. In order that a field test or experiment may be made to determine the product's suitability for future use.
2. In order to match other products in use on a particular public improvement either completed or in the course of completion.
3. In order to obtain a necessary item that is only available from one source.
4. (a) In order to respond to an emergency declared by a local agency, but only if the declaration is approved by a four-fifths vote of the governing board of the local agency issuing the invitation for bid or request for proposals.

(b) In order to respond to an emergency declared by the state, a state agency, or political subdivision of the state, but only if the facts setting forth the reasons for the finding of the emergency are contained in the public records of the authority issuing the invitation for bid or request for proposals.

If the district specifies a brand name for a designated material, product, thing, or service by the specification shall be followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the District shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of "an equal" item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective

bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The 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. (Public Contract Code 20111.5) 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. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

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. (Public Contract Code 20111.5)

For any contract awarded after January 1, 2014, using funds from the Leroy F. Greene School Facilities Act of 1998 or from any future state school bond if the project has projected expenditures of one million dollars or more, the District must prequalify all bidders. (Public Contract Code 20111.6) The District shall comply with all requirements of the PCC 20111.6 until its expiration on January 1, 2019.

Appeal Procedures

Contractors will be allowed to appeal a negative pre-qualification determination in accordance with California Public Contract Code Â§20101.d. There is no appeal from a refusal for an incomplete or late application. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the District, whether by administrative process, judicial process or any other legal process or proceeding.

In conjunction with this Pre-Qualification Policy, the District hereby establishes a Bidder Pre-Qualification Appeals Panel ("Appeals Panel"), consisting of the following three members, or their designee(s):

1. The District's Maintenance and Operations Coordinator
2. The District's Assistant Superintendent of Business Services
3. A member of an outside agency.

The sole issue before the Appeals Panel shall be the scoring of a Contractor. The decision of the Appeals Panel shall be the District's final administrative decision.

The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process. Process:

1. Prior to disqualifying contractor, the District shall serve written notice on the contractor
 - a. Setting forth the reasons for the disqualification.
 - b. Indicating that the contractor will be afforded an opportunity to appeal the disqualification as outlined below. Effective notice shall be accomplished by certified mail, return receipt requested, to the last known address of the contractor, or the contractor's agent for service of process, or any of its principal officers, partners, owners or affiliated.
2. The contractor shall submit his appeal in writing with the Executive Director Facilities Management no later than 4:00 p.m. of the FIFTH business day following the day on which the notice of rejection was mailed to the contractor.
3. The District shall act upon properly filed requests within ten calendar days from the date of receipt of such request. If, after review, the District again rejects the contractor's application, the contractor may request an administrative hearing with the panel.
4. At the hearing, the contractor may present oral testimony concerning the contractor's capability and responsibility. The District shall notify the contractor of his decision within five business days following the hearing. The decision of the panel is final.
5. A contractor, who is denied prequalification, shall be disqualified in the same type of work or category of value for a period of one year thereafter.

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

Any bidder submitting a Bid Proposal may file a protest of the District's intent to award the Contract provided that each and all of the following conditions are met:

1. The protest must be submitted in writing to the District (e-mail is not acceptable), before 4 p.m. of the FIFTH business day following bid opening.
2. The initial protest document must contain a complete statement of any and all bases for the protest, including without limitation all facts, supporting documentation, legal authorities and

argument in support of the grounds for the bid protest; any matters not set forth in the written bid protest shall be deemed waived. All factual contentions must be supported by competent, admissible and creditable evidence

3. The protest must refer to the specific portions of all documents which form the bases for the protest.

4. The protest must include the name, address and telephone number of the person representing the protesting party.

5. Any bid protest not conforming to the foregoing shall be rejected by the District as invalid. Provided that a bid protest is filed in strict conformity with the foregoing, the District's Deputy Superintendent, Business Services, or such individual(s) as may be designated by him/her, shall review and evaluate the basis of the bid protest. Either the District's Deputy Superintendent, Business Services or other individual designated by him/her shall provide the bidder submitting the bid protest with a written statement concurring with or denying the bid protest. The District's

Governing Board will render a final determination and disposition of a bid protest by taking action to adopt, modify or reject the disposition of a bid award as reflected in the written statement of the Deputy Superintendent, Business Services or his/her designee. Action by the District's Governing Board relative to a bid award shall be final and not subject to appeal or reconsideration by the District, any employee or officer of the District or the District's Governing Board. The rendition of a written statement by the Deputy Superintendent, Business Services (or his/her designee) and action by the District's Governing Board to adopt, modify or reject the disposition of the bid award reflected in such written statement shall be express conditions precedent to the institution of any legal or equitable proceedings relative to the bidding process, the District's intent to award the Contract, the District's disposition of any bid protest or the District's decision to reject all Bid Proposals.

6. The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of bid protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including filing a Government Code Claim or legal proceedings.

Lease-Leaseback Contract

Upon a determination that it is in the best interest of the district and without advertising for bids, the Board 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"). 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 workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. (Education Code 17406, 17407.5)

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

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.

(cf. 9124 - Attorney)

Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)

Regulation RESCUE UNION SCHOOL DISTRICT
approved: January 2009 Rescue, California
revised: August 2011
revised: September 10, 2013
considered: October 11, 2016

ITEM #: 9
DATE: October 11, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Classified Personnel - Elimination of Position

BACKGROUND:

Periodical changes occur which result in the reduction of hours/elimination of positions for classified employees. The Board must formally approve a reduction of hours and/or elimination of positions.

STATUS:

Due to the lack of work or lack of funds it shall be necessary to eliminate the following position:

<u>Position(s)</u>	<u># Days/Hours Elimination</u>
Utility Technician	59 days/8 hours per day

FISCAL IMPACT:

A cost savings will result with the elimination of this position.

BOARD GOAL:

Board Focus Goal IV – STAFF NEEDS:

Attract and retain diverse, knowledgeable, dedicated employees who are skilled and supported in their commitment to providing quality education for our students.

RECOMMENDATION:

It is recommended that the Board take action to eliminate the annual work schedule effective December 16, 2016. The Superintendent or his designated representative shall be directed to take all appropriate actions needed to reduce the annual schedule as listed above, effective December 16, 2016, including sending the appropriate notice to the affected employee. This recommendation is made pursuant to Education Code Sections 45101, 45114, 45115, 45117, 45298 and 45308.

RESCUE UNION SCHOOL DISTRICT

RESOLUTION NO. 16-22

**A RESOLUTION OF THE BOARD OF EDUCATION
OF THE RESCUE UNION SCHOOL DISTRICT
ELIMINATING OR REDUCING SERVICES
EFFECTIVE NO LATER THAN DECEMBER 16, 2016**

WHEREAS, the Governing Board of the Rescue Union School District has determined that it shall be necessary to reduce/eliminate the following particular kinds of service of the District not later than December 16, 2016.

- a. Reduction of the days of service or position required due to lack of funds or lack of work, shall make it necessary to reduce the total annual days/hours worked and/or eliminate the following positions:

Position(s)

#Days/Hours Reduction/Elimination

Utility Technician

59 days, 8 hours per day

WHEREAS, it is the opinion of the Governing Board that it is necessary by reason of the above reductions of particular kinds of service to decrease the number of classified employees in the District for lack of funds or work effective December 16, 2016 in accordance with Education Code Sections 45101, 45114, 45115, 45117, 45298, and 45308.

NOW, THEREFORE, BE IT HEREBY FOUND, ORDERED, AND RESOLVED as follows:

- I. This Board hereby determines that there is a lack of work and/or a lack of funds and therefore orders the elimination or reduction of the following positions:

Position(s)

#Days/Hours Reduction/Elimination

Utility Technician

59 days, 8 hours per day

- II. The Superintendent or his designee is hereby authorized to notify any affected employee that they may be laid off as a result of the Board's action to eliminate the positions designated above. The Superintendent or designee shall also notify as appropriate any affected employees that they may be reassigned or transferred; the Superintendent or designee is also authorized to take any other action to carry out the Board's order eliminating the positions designated above.

ADOPTED by the Governing Board of Rescue Union School District on October 11, 2016.

AYES: _____

NOES: _____

ABSENT: _____

ABSTENTION: _____

President of the Board

Clerk of the Board