

ITEM #: 2
Date: November 15, 2016

Rescue Union School District

AGENDA ITEM: Readmission After Expulsion

BACKGROUND:

A student is eligible to apply for readmission after expulsion by submitting a Readmission After Expulsion Request and supporting evidence that the rehabilitation plan has been completed.

STATUS:

The Board will consider the recommendation of the administration and the presented records regarding the following student.

Student 15-16A

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:

Consider readmission of student after expulsion.

**RESOLUTION #16-24
ACKNOWLEDGING RETIREMENT OF RESCUE UNION SCHOOL DISTRICT
BOARD OF TRUSTEES MEMBER
ELLEN DRISCOLL**

WHEREAS ELLEN DRISCOLL, is retiring after 14 years of distinguished service on the Rescue Union School District Board of Trustees; and

WHEREAS, as a member of the Board of Trustees she has helped guide the District by focusing on student academic, social, and emotional needs, providing fiscal accountability, maintaining effective communication to engage and educate our District community, building, improving and maintaining school facilities, supporting dedicated employees and creating a culture of excellence; and

WHEREAS, her personal commitment to quality education, her valued participation in establishing policies and her readiness to render services seeking educational excellence have contributed immeasurably to the progress of the Rescue Union School District; and

WHEREAS, she has provided leadership by serving as, Clerk, Vice President and President and as a member of the school board, her actions have consistently reflected her sincere devotion to ensuring quality education for all the children of the Rescue Union School District; and

WHEREAS, this expression of appreciation and gratitude will be made a part of the permanent records of the District; and

NOW, THEREFORE, BE IT RESOLVED, that on behalf of your colleagues, teachers, support staff, administration and students we thank you for your dedicated services and wish you good health and happiness in the years to come;

AND BE IT FURTHER RESOLVED, the Rescue Union School District recognizes Ellen Driscoll for the time she invested to make education a top priority and for the contributions she has made to the schools of the District.

PASSED AND ADOPTED, by the Board of Trustees by the following vote on this 15th day of November, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

Vice President of the Governing Board

Superintendent, Board Secretary

Rescue Union School District

11.8.16

	GREEN VALLEY	JACKSON	LAKE FOREST	LAKEVIEW	RESCUE	MARINA VILLAGE	PLEASANT GROVE	Tot.
TR. KDG	20	17	16	20	26	0	0	99
KDG.*	67	67	60	69	55	0	0	318
FIRST	65	65	56	79	75	0	0	340
SECOND	76	77	69	76	69	0	0	367
THIRD	67	73	66	103	66	0	0	375
FOURTH	71	71	96	104	75	0	0	417
FIFTH	83	77	93	100	84	0	0	437
SIXTH	0	0	0	0	0	234	148	382
SEVENTH	0	0	0	0	0	261	202	463
EIGHTH	0	0	0	0	0	276	198	474
SDC		17					25	
*COOL School			0			13		13
TOTAL	449	464	456	551	450	771	573	3731
Ending 15-16	446	453	437	538	435	795	609	3733
Difference	3	11	19	13	15	-24	-36	-2

**Low Housing Projection 2016-17	Variance
100	-1
329	-11
336	4
344	23
366	9
391	26
395	42
359	23
427	36
447	27
0	42
0	13
3494	237

*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	3731							
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	58							
Avg Diff		54	52	54							

ITEM#: 7
DATE: November 15, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: **Budget Update**

BACKGROUND:

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. The District experienced unexpected enrollment growth this school year in nearly every grade level. Therefore, more certificated staff was hired causing the current year projected deficit to increase from the adopted budget.

STATUS:

The Assistant Superintendent of Business Services will provide an update on the District's Fiscal Year 2016-17 Budget and other budget related topics.

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:

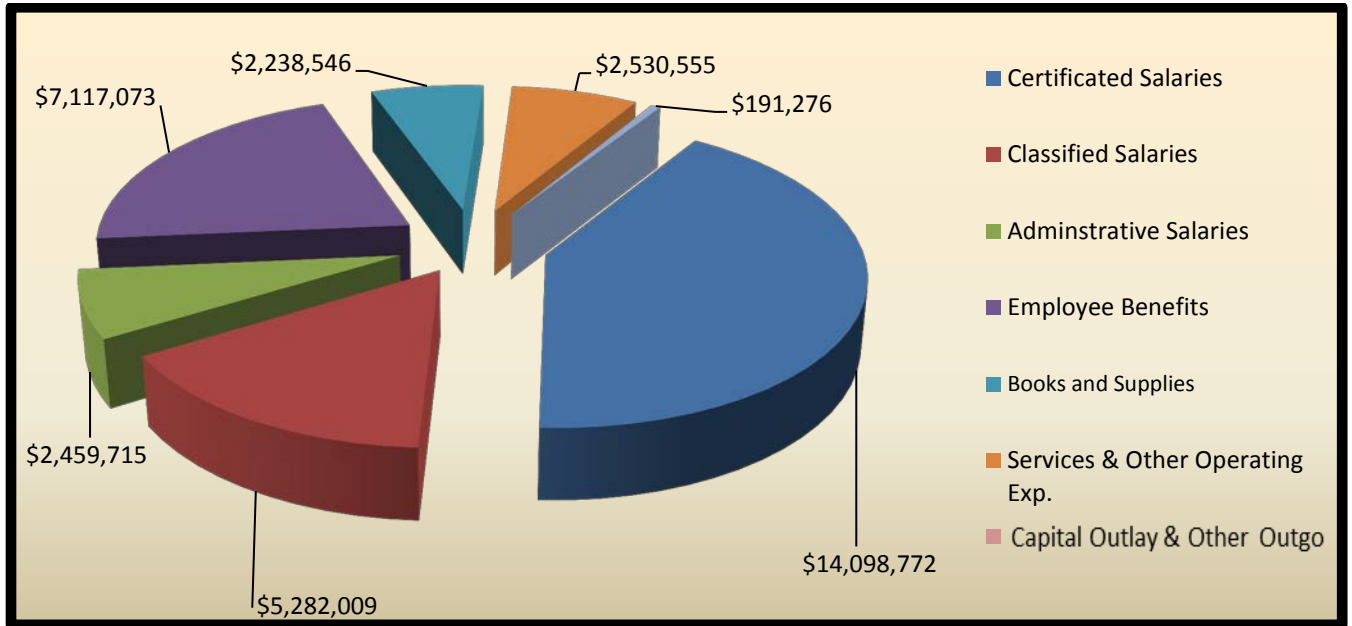
N/A

Rescue Union School District
Budget Update - November 15, 2016

	<u>2016-17 Budget</u>	<u>2016-17 Revised Budget</u>	<u>2016-17 Revised Budget w/ 1% Retro</u>
Beginning Fund Balance:	\$ 7,485,008	\$ 7,485,008	\$ 7,485,008
Revenue:			
LCFF/EPA Revenues	\$ 27,208,982	\$ 27,083,828	\$ 27,083,828
Federal Revenues	\$ 568,163	\$ 602,430	\$ 602,430
Other State Revenues	\$ 3,102,121	\$ 3,095,499	\$ 3,095,499
Local Revenues	<u>\$ 1,301,813</u>	<u>\$ 1,576,997</u>	<u>\$ 1,576,997</u>
Total Revenue:	<u>\$ 32,181,079</u>	<u>\$ 32,358,754</u>	<u>\$ 32,358,754</u>
Expenditures:			
Certificated Salaries	\$ 13,784,745	\$ 13,959,180	14,098,772
Classified Salaries	\$ 5,220,524	\$ 5,229,712	5,282,009
Administrative Salaries	\$ 2,388,446	\$ 2,435,361	2,459,715
Employee Benefits	\$ 7,314,698	\$ 7,073,824	7,117,073
Books and Supplies	\$ 1,944,299	\$ 2,238,546	2,238,546
Services & Other Operating Exp.	\$ 2,235,457	\$ 2,530,555	2,530,555
Capital Outlays & Other Outgo	<u>\$ 181,019</u>	<u>\$ 191,276</u>	<u>191,276</u>
Total Expenditures:	<u>\$ 33,069,188</u>	<u>\$ 33,658,454</u>	<u>\$ 33,917,945</u>
Excess Revenue (Expenditures)	\$ (888,109)	\$ (1,299,700)	\$ (1,559,191)
Projected Ending Fund Balance	\$ 6,596,899	\$ 6,185,308	\$ 5,925,817
<i>Fund Balance as a % of Expenditures</i>	19.95%	18.38%	17.47%

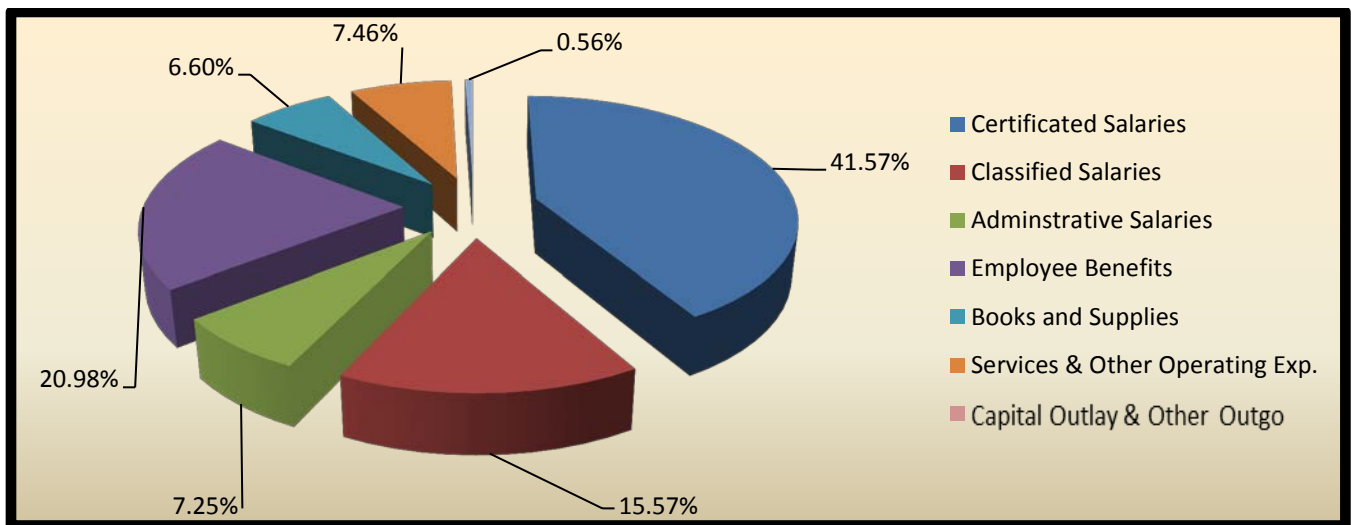
Rescue Union School District – November 15, 2016

Total Budgeted Expenditures by Object



*Salaries and Benefits account for 85.38% of budget expenditures.

Total Budgeted Expenditures by Object as a Percent of Expenditures



Rescue USD Capital Facility Funds
October 26, 2016 Projected Expenditures

	<u>Fund 21</u>	<u>Fund 25</u>	<u>Fund 35</u>	<u>Fund 49</u>	<u>EDSFA #1</u>	<u>Total</u>
Beg. Balance July 1, 2016:	\$ 462,304	\$ 1,467,768	\$ 1,618,035	\$ 1,569,704	\$ 2,938,529	\$ 8,056,340
Revenues	\$ -	\$ 515,884	\$ 5,000	\$ 6,821	\$ 680,895	\$ 1,208,600
Expenditures	\$ 462,304	\$ 250,000	\$ -	\$ 250,000	\$ 2,980	\$ 965,284
Cash Fiscal Agent	\$ -				\$ -	\$ -
Ending Balance: June 30, 2017	\$ -	\$ 1,733,652	\$ 1,623,035	\$ 1,326,525	\$ 3,616,444	\$ 8,299,656
<i>CFD No. 1 Funds in FD 35 (2010 COP Proceeds)</i>			\$ (698,667)	\$ 698,667	\$ -	
Adjusted Balances	<u>\$ -</u>	<u>\$ 1,733,652</u>	<u>\$ 924,368</u>	<u>\$ 2,025,192</u>	<u>\$ 3,616,444</u>	\$ 8,299,656



RESCUE UNION SCHOOL DISTRICT

2390 Bass Lake Road • Rescue, CA 95672
 (530) 677-4461 • FAX (530) 677-0719
 www.rescue.k12.ca.us

COUNSELING, BEHAVIORAL & PSYCHOLOGICAL SERVICES

Cost Estimates - October 19, 2016

Current Staffing:

<u>Position</u>	<u>FTE</u>	<u>Site</u>	<u>Total Compensation</u>	<u>Funding Source</u>
Counselors	3.0	MV, PG, GV & Rescue	\$ 310,975	LCFF & Supplemental
Psychologists	3.8	District	\$ 458,165	LCFF, SPED, MAA & ERMHS

The estimated cost to increase staffing per FTE to the District:

<u>Estimated Cost per FTE</u>	<u>Estimated Total Compensation</u>	<u>Funding Source</u>
Counselor	\$ 80,000	LCFF/Supplemental
Behaviorist	\$ 75,000	LCFF/Supplemental
Psychologists	\$ 120,569	LCFF/Supplemental

The estimated cost to staff and support a District Alternative Program:

<u>Estimated Cost per FTE</u>	<u>Estimated Total Compensation</u>	<u>Funding Source</u>
Counselor	\$ 80,000	LCFF/Supplemental
Behaviorist	\$ 75,000	LCFF/Supplemental
Teacher	\$ 80,000	LCFF/Supplemental
Administrative Support	\$ 100,000	LCFF/Supplemental
Office & Instructional Support	\$ 100,000	LCFF/Supplemental
Supplies, PD & Overhead	\$ 150,000	LCFF/Supplemental

"Educating for the Future Together"

David Swart, Superintendent

Board of Trustees

Ellen Driscoll - Suzanna George - Serena Posner - Kim White - Nancy Brownell

**School Facility Program New Construction and Modernization
Funding Drawdown Analysis
As of November 2016**



Summary

The passage of **Proposition 51**, The Kindergarten Through Community College Public Education Facilities Bond Act of 2016, comes almost 10 years after California voters approved the last statewide school bond. Proposition 51 extends funding for the existing School Facility Program, contained in Article 1 of Chapter 12.5 of Part 10 of Division 1 of the Education Code.

The \$9 billion bond provides:

- \$3 Billion in K-12 New Construction funding
- \$3 Billion in K-12 Modernization funding
- \$500 Million in K-12 Charter School Facilities Program funding
- \$500 Million in K-12 Career Technical Education Facilities Program funding
- \$2 Billion in Community College funding

The School Facility Program New Construction and Modernization Funding Drawdown Analysis is designed to identify the dollar amount of K-12 New Construction and Modernization projects currently on the backlog list which is awaiting processing at the Office of Public School Construction. In addition, it provides school districts and county offices of education with an estimated rate at which applications submitted to the State will deplete Proposition 51 funds (“burn rate”).

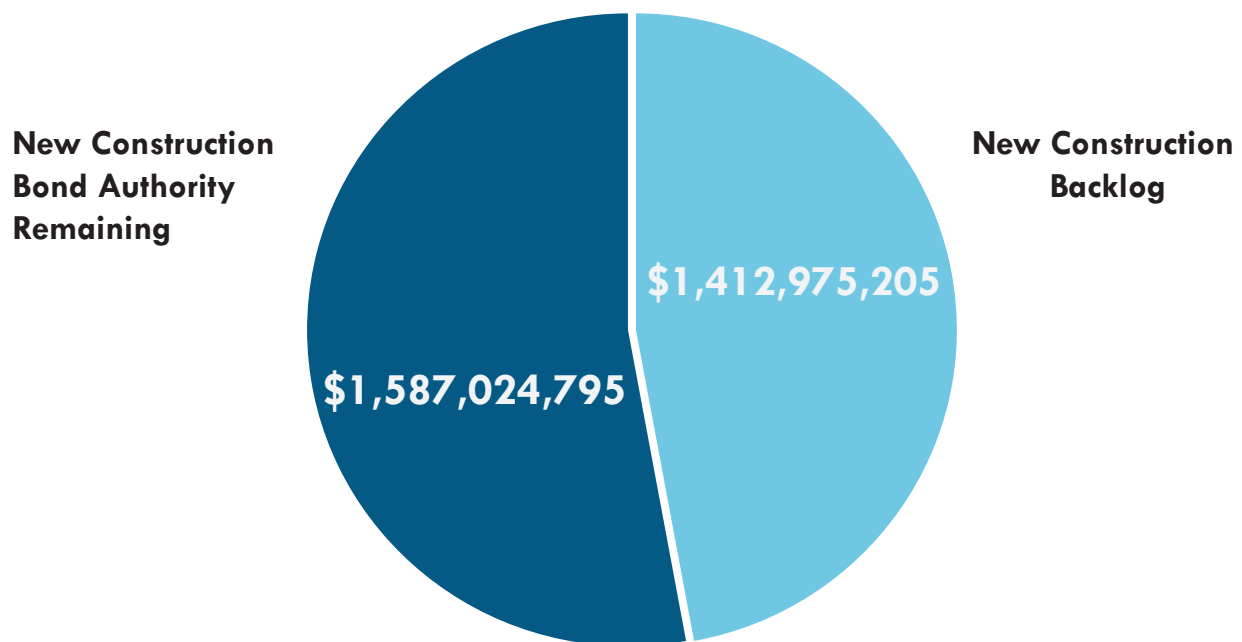
Due to the uncertainty of funding in recent years and resultant variability of changes in the burn rate, this report projects the drawdown of bond funds only through the 2018 calendar year. Based on the current analysis, school districts and county offices of education that submit eligible projects by the end of December 2018 can expect to receive funding under Proposition 51. Now that voters have approved Proposition 51, the burn rate will be updated and the drawdown projected beyond 2018.

For a list of recommendations that can help maximize a district’s or county office of education’s potential for State facility funding under Proposition 51, please refer to Page 6.

New Construction Backlog

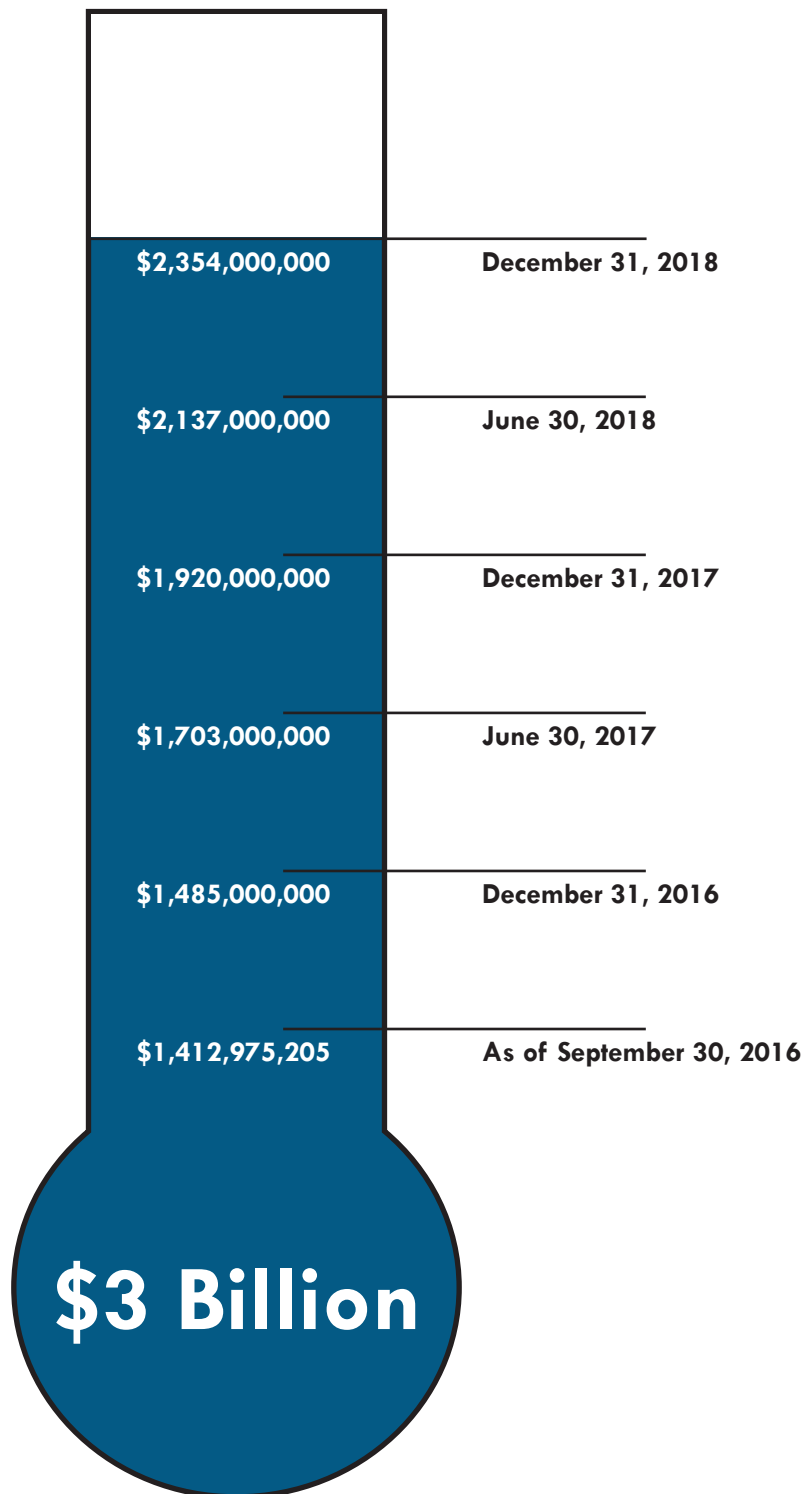
Proposition 51, The Kindergarten Through Community College Public Education Facilities Bond Act of 2016, provides \$3 billion in K-12 New Construction funding.

The following chart shows the estimated \$1.58 billion in New Construction bond authority that will remain after funding the New Construction projects currently awaiting review at the Office of Public School Construction.



The most current True Unfunded and Acknowledged Lists were published in the October 17, 2016 State Allocation Board Agenda. According to those lists, school districts and county offices of education have submitted projects totaling approximately \$1.41 billion in New Construction bond authority.

New Construction Funding Thermometer



Proposition 51 provides \$3 billion in New Construction funding.

Approximately \$1.41 billion in New Construction projects is awaiting funding.

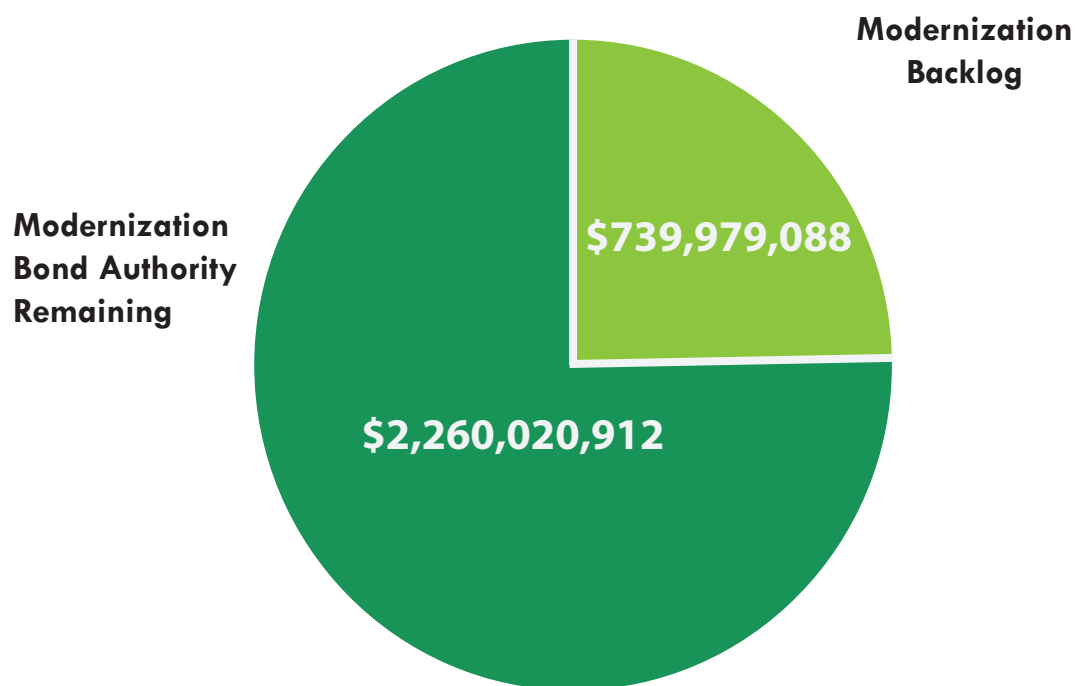
Estimated \$36 million in New Construction projects submitted per month from June 1, 2016 through December 31, 2018*.

*Average School Facility Program project submittals received between September 2009-November 2015.

Modernization Backlog

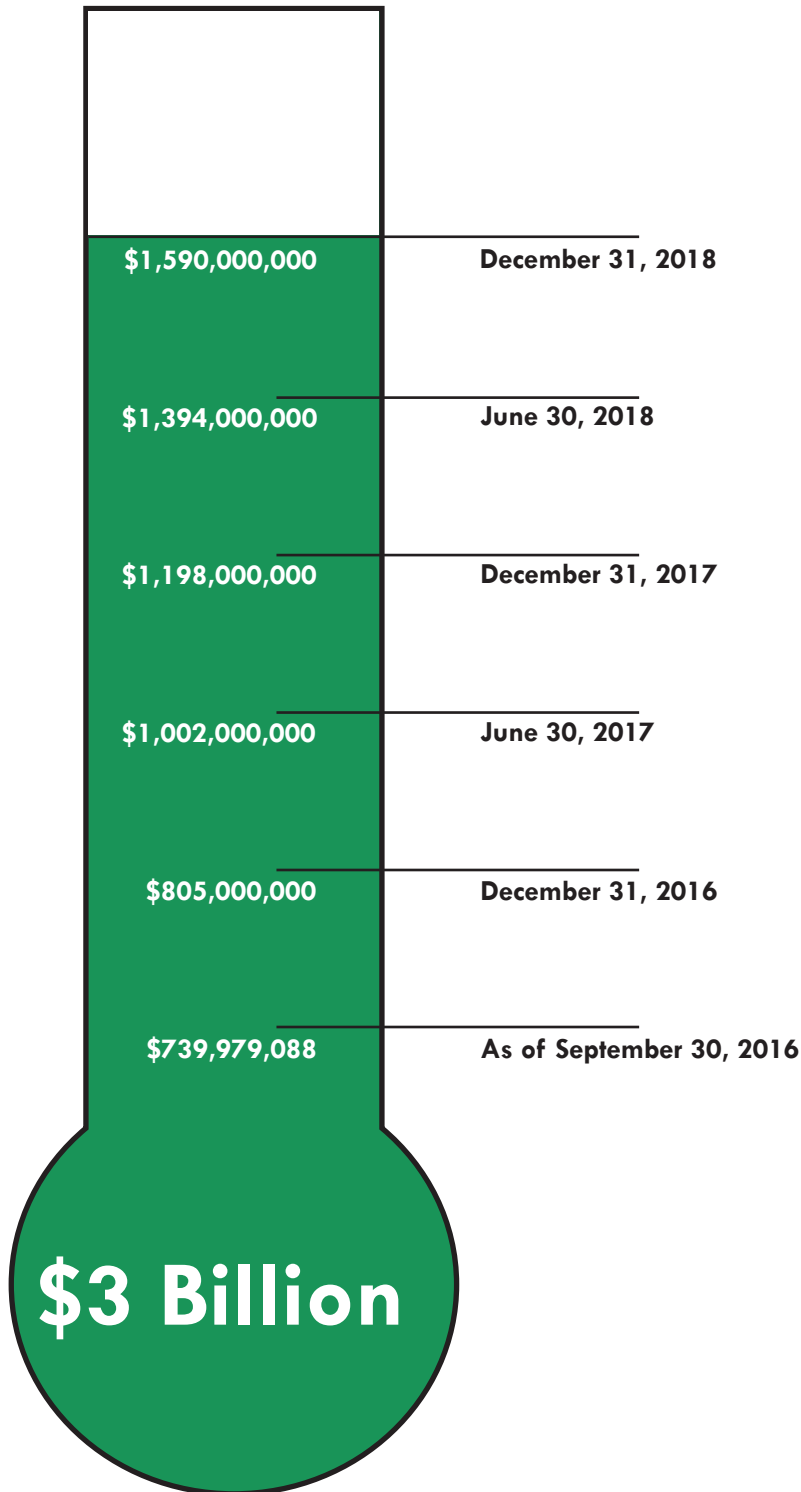
Proposition 51, The Kindergarten Through Community College Public Education Facilities Bond Act of 2016, provides \$3 billion in K-12 Modernization funding.

The following chart shows the estimated \$2.26 billion in Modernization bond authority that will remain after funding the Modernization projects currently awaiting review at the Office of Public School Construction.



The most current True Unfunded and Acknowledged Lists were published in the October 17, 2016 State Allocation Board Agenda. According to those lists, school districts and county offices of education have submitted projects totaling approximately \$740 million in Modernization bond authority.

Modernization Funding Thermometer



Proposition 51 provides \$3 billion in Modernization funding.

Approximately \$740 million in Modernization projects is awaiting funding.

Estimated \$33 million in Modernization projects submitted per month from June 1, 2016 through December 31, 2018*.

*Average School Facility Program project submittals received between September 2009-November 2015.

Recommendations

Assess and/or update current New Construction and
Modernization eligibility

Identify projects that meet the New Construction and
Modernization requirements

Identify Proposition 39 Energy funding that may be used as
a match on State projects

Calculate “gap” funding necessary to meet State match
requirements and identify funding source

Create a plan for blending these funding programs to
maximize leverage opportunities

Submit projects to get in line for Prop 51 funds

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Resolution Adopting Accounting of Developer Fees – Fiscal Year 2015-16

BACKGROUND:

Pursuant to Government Code Section 66000 et seq., the District is required to make public an annual accounting of developer fees collected by the District within 180 days after the last day of each fiscal year.

STATUS:

This report provides the accounting and findings related to the collection of developer fees in Fiscal Year 2015-16. The report includes information on the type of fee collected, the amount of the fee, the balance of the funds collected, the public improvement to which the fees are to be put, the approximate date by which the public improvement construction will commence, the reasonableness of the relationship between the fee charged and the purpose for which it is charged, the sources of funding available for completing any incomplete projects and the approximate dates for completion of such projects.

FISCAL IMPACT:

As of June 30, 2016, the District collected \$1.81 per square foot of assessable space of residential construction; and \$0.29 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the District’s determination that a particular project is exempt from all or part of these fees.

The District’s School Facility Fee Justification Report from February of 2015 demonstrated Rescue Union School District was justified to collect the legal maximum fee of \$3.36 per square foot of residential development as authorized by Government Code 65995 (Level 1 fees) as future residential development creates a school facility cost of \$4.52 per square foot during 2015-16.

The beginning and ending balance of the Fund were:

<i>Beginning Fund Balance:</i>		<i>\$ 1,764,407</i>
<i>Audit Adjustment</i>	<i>(\$ 130,188)</i>	
<i>Adjusted Beginning Fund Balance</i>		<i><u>\$ 1,634,218</u></i>
<i>Fees/Revenues Collected (all sources)</i>	<i>\$515,885</i>	
<i>Expenditures</i>	<i>\$682,334</i>	
<i>Ending Fund Balance:</i>		<i><u>\$ 1,467,768</u></i>

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:

District staff recommends the Board of Trustees adopt the Resolution Adopting the Accounting of Developer Fees for Fiscal Year 2015-16.

RESOLUTION ADOPTING ACCOUNTING OF DEVELOPER FEES

BEFORE THE GOVERNING BOARD OF THE
RESCUE UNION SCHOOL DISTRICT EL DORADO COUNTY, CALIFORNIA

*In the Matter of the Public Report of Information Regarding Capital
Facilities Fees for the 2015-16 Fiscal Year, and Findings Thereon,
Pursuant to Government Code Sections 66001 and 66006A*

WHEREAS, Rescue Union School District ("District") has received and expended reportable capital school facilities fees paid on new commercial and industrial construction, new residential construction and other residential construction as authorized pursuant to Education Code section 17620, et and Government Code section 65995, et seq. ("Developer Fees"); and

WHEREAS, said Developer Fees have been deposited in a separate capital facilities account (Fund 25 – Capital Facilities Fund) pursuant to Government Code section 66006, subdivision (a), in a manner to avoid commingling of Developer Fees with other revenues and funds of the District, except for temporary investments; and

WHEREAS, said Developer Fees expended for the sole purpose for which they were collected; and

WHEREAS, Government Code section 66006, subdivision (b)(1), provides that the District shall, within 180 days after the last day of each fiscal year, make available to the public the following information regarding Developer Fees for the fiscal year (See Exhibit A):

- (A) A brief description of the type of fee in the account or Fund;
- (B) The amount of the fee;
- (C) The beginning and ending balance of the account or fund;
- (D) The amount of the fees collected and the interest earned;
- (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees;
- (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code section 66001, subdivision (a)(2), and the public improvement remains incomplete;
- (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan; and
- (H) The amount of refunds made pursuant to Government Code section 66001, subdivision (e), and any allocations pursuant to Government Code section 66001, subdivision (f); and

WHEREAS, Government Code section 66001, subdivision (d), provides that for the fifth fiscal year following the first deposit into the account or fund of Developer Fees, and every five years

thereafter, the District shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- (A) Identify the purpose to which the fee is to be put;
- (B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- (C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code section 66001, subdivision (a)(2); and
- (D) Designate the approximate dates on which the funding referred to in Government Code section 66001, subdivision (d)(1)(C), is expected to be deposited into the appropriate account or fund; and

WHEREAS, pursuant to Government Code section 66001, subdivision (e), except as otherwise provided by law, when sufficient funds have been collected, as determined pursuant to Government Code section 66006, subdivision (b)(1)(F), to complete financing on an incomplete public improvement identified in Government Code section 66001, subdivision (a)(2), and the public improvements remain incomplete, the District must identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or must refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment role, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon; and

WHEREAS, pursuant to Government Code section 66001, subdivision (d), those findings required by that section must be made in connection with the public information required by Government Code section 66006, subdivision (b); and

WHEREAS, Government Code section 66006, subdivision (b)(2) provides that the District must review the information made available to the public pursuant to Section 66006 at a regularly scheduled public meeting occurring not less than 15 days after the information is made public; and

WHEREAS, that information required by Government Code sections 66001 and 66006, including but not limited to a report entitled the "Annual Accounting of Developer Fees – Fiscal Year 2015-16" ("Public Report"), was made available to the public on or before October 31, 2016, more than 15 days prior to the hearing held on November 15, 2016 before the Governing Board of the Rescue Union School District ("Board"); and

WHEREAS, notice of the availability of the Public Report was provided on or before October 31, 2016 to the extent required by Government Code section 66006, subdivision (b)(2); and

WHEREAS, the Public Report was presented to the Board at its duly noticed public meeting of November 15, 2016.

NOW THEREFORE BE IT RESOLVED that the Board receives, incorporates by reference, approves and adopts the Public Report;

AND BE IT FURTHER RESOLVED that the Board makes the following findings:

1. That the above recitals are true and correct.
2. That, pursuant to Government Code section 66001, subdivision (d) and Government Code section 66006, subdivisions (b)(1) and (b)(2), the District has made available to the public and to the

Board the requisite information and proposed findings concerning Developer Fees received, deposited, invested and expended by the District.

3. That the Board, at its regularly scheduled public meeting of November 15, 2016, has publicly reviewed the following information as contained in the Public Report pursuant to Government Code section 66006, subdivision (b)(1), as required by Government Code section 66006, subdivision (b)(2):

- (A) A brief description of the type of fee in the account or fund;
- (B) The amount of the fee;
- (C) The beginning and ending balance of the account or fund;
- (D) The amount of the fees collected and the interest earned;
- (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees;
- (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Government Code section 66001, subdivision (a)(2), and the public improvement remains incomplete;
- (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan; and

- (H) The amount of refunds made pursuant to Government Code section 66001, subdivision (e), and any allocations pursuant to Government Code section 66001, subdivision (f).

4. That the findings set forth in the Public Report as provided by Government Code section 66001, subdivision (d), regarding the following subjects are hereby adopted by the Board

(See Exhibit B):

- (A) Identify the purpose to which the fee is to be put;
- (B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- (C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in Government Code section 66001, subdivision (a)(2); and
- (D) Designate the approximate dates on which the funding referred to in Government Code section 66001, subdivision (d)(1)(C), is expected to be deposited into the appropriate account or fund.

5. That all Developer Fees have been received, deposited, invested and expended in compliance with all applicable laws, including but not limited to Education Code section 17620, et seq., Government Code section 65995, et seq., and Government Code section 66000, et seq.

6. That no refunds or allocations of Developer Fees are required pursuant to Government Code section 66001, subdivision (e).

7. That the District is in compliance with the requirements of Government Code sections 66001 and 66006.

This Resolution is adopted this 15th day of November, 2016, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

Clerk of the Governing Board

**EXHIBIT A RESOLUTION
NO.
ACCOUNTING OF DEVELOPER FEES FOR FISCAL YEAR 2015-2016
CAPITAL FACILITIES FUND (the “Fund”)**

Per Government Code section 66006(b)(1)(A)-H as indicated:

- A. A brief description of the type of fee in the Fund.

Statutory School Facilities Fees

- B. The amount of the fee.

As of June 30, 2016, the District collected \$1.81 per square foot of assessable space of residential construction; and \$0.29 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the District’s determination that a particular project is exempt from all or part of these fees.

The District’s School Facility Fee Justification Report from February of 2015 demonstrated Rescue Union School District is justified to collect the legal maximum fee of \$3.36 per square foot of residential development as authorized by Government Code 65995 (Level 1 fees) as future residential development creates a school facility cost of \$4.52 per square foot.

- C. The beginning and ending balance of the Fund.

<i>Beginning Fund Balance:</i>	<i>\$ 1,764,407</i>
<i>Audit Adjustment</i>	<i>(\$ 130,188)</i>
<i>Adjusted Beginning Fund Balance</i>	<i>\$ 1,634,218</i>
<i>Ending Fund Balance:</i>	<i>\$ 1,764,406</i>

- D. The amount of the fees collected and the interest earned.

<i>Fees Collected:</i>	<i>\$ 509,854</i>
<i>Interest Earned:</i>	<i>\$ 6,031</i>

- E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

See Attachment A

- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in Paragraph (2) Subdivision (a) of Section 66001, and the public improvement remains incomplete:

Not applicable. The District has not made this determination.

- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan:

Not applicable. The District has not made any such interfund transfers.

- H. The amount of refunds made pursuant to Subdivision (e) of Section 66001 and any allocations pursuant to Subdivision (f) of Section 66001:

Not applicable. No refunds or allocations were made pursuant to subdivision (e) or (f) of Section 66001.

**EXHIBIT B
RESOLUTION NO.**

**ACCOUNTING OF DEVELOPER FEES FOR FISCAL YEAR 2015-2016
CAPITAL FACILITIES FUND (the "Fund")**

Per Government Code Section 66001(d)(1)-(4) as indicated:

- A. With respect to only that portion of the Fund remaining unexpended at the end the 2015-2016 fiscal year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary caused by the development on which the fees were levied, which facilities are more specifically identified as follows:

Demographic Studies, School Facility Needs Analysis & Developer Fee Justification Studies; Master planning services; Legal fees related to developer impact fees; Marina Village Middle School Capital Improvement Project – includes the completion of two story classroom wing, gym and locker room expansion, nurse station/office expansion; Planning, design and construction of future school properties including Sienna Ridge/Bass Lake; Lakeview Elementary and Pleasant Grove Middle School COP Rental and Interest payments; Administrative costs in overseeing school facility construction projects; and, EDCOE developer fee collection administrative costs.

- B. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

Future residential development will cause new families to move into the District and, consequently, will generate additional students in the District. The District's School Facility Fee Justification Report from February of 2015 and June of 2016 demonstrated adequate school facilities do not exist for these students. Future residential development, therefore, creates a need for additional school facilities. The fee's use (acquiring school facilities) is, therefore, reasonably related to the type of project (future residential development) on which it is imposed.

New commercial/industrial development will cause new workers to move into the District. Because some of these workers will have school-age children, commercial /industrial development will also generate new students in the District. The District's School Facility Fee Justification Report from February of 2015 and June of 2016 demonstrated adequate school facilities do not exist for these students. New commercial/industrial development, therefore, creates a need for additional school facilities. The fee's use (acquiring school facilities) is, therefore, reasonably related to the type of project (new commercial/industrial development) on which it is imposed.

- C. With respect to only that portion of the Fund remaining unexpended at the end of the 2015-2016 fiscal year, the sources and amounts of funding anticipated to complete financing on any incomplete improvements identified in Paragraph A above are as follows:

*General Obligation Bond Proceeds (requires voter approval),
Community Facilities District Funds and State matching funds.*

- D. With respect to only that portion of the Fund remaining unexpended at the end of 2015-2016 fiscal year, the following are the approximate dates on which the funding referred to in Paragraph C above is expected to be deposited into the appropriate account or fund:

This cannot be determined for certain at this time. The determining factor is the availability of State funding on certain new construction projects, housing development progress and completion dates throughout the District.

Rescue Union School District

Annual Accounting of Developer Fees - Fiscal Year 2015-16

Per Government Code 66001-66008

Attachment A

Beginning Balance (July 1, 2015 Unaudited)		\$ 1,764,406
Audit Adjustment (<i>see note #1</i>)	\$ (130,188)	
Adjusted Beginning Balance (July 1, 2015)		\$ 1,634,218
Revenues:		
Fees Collected	\$ 509,854	
Interest Earned	\$ 6,031	
Other:	<u>\$ -</u>	
Total Revenue:		<u>\$ 515,885</u>
Total Funds Available		<u>\$ 2,150,103</u>

Expenditures:	Amount Expended	Percentage of Cost Funded by Developer Fees
Construction Projects:		
Marina Village Middle School Capital Improvements:		
The District has embarked on a plan to enhance the facilities at Marina Village Middle School needed to accommodate growth. Projects include the planning, design, and construction for the following:		
Nurse Station/Office Expansion	\$ 125,919	100%
Gym Expansion - Interior Flooring, Paint, and Bleachers	\$ 58,781	100%
New Two-Story Classroom Wing - Planning		
Central Kitchen Freezer Expansion:	\$ 101,748	100%
The project included the planning, design, and construction of an auxiliary Central Kitchen Freezer needed to accommodate growth.		
Debt Service - 2010 Certificates of Participation Refunding	\$ 320,470	100%
Rental Payments and Interest were paid on the 2010 Certificates of Participation used to refund the 2001 and 2008 COP's. Proceeds from the original sale of Certificates of Participation (2001) were used to plan, design, and construct school facilities and to accommodate growth in constructing Lakeview Elementary School and Pleasant Grove Middle School.		

EDCOE Fee	\$ 15,296	100%
The El Dorado County Office of Education administers the collection of Developer Impact Fees for the school districts in El Dorado County. This is the administrative fee charged by EDCOE for their services.		
Contracts - School Facility Consultants	\$ 6,750	100%
The District contracted with School Facility Consultants to perform the following studies related to Developer Impact Fees: (1) School Facility Fee Justification Report.		
Contracts - California Design West	\$ 7,200	100%
The District contracted with California Design West to complete the District's Facility Master Plan.		
Legal Fees	\$ 1,550	100%
The District incurred legal expenses associated with Developer Impact Fees.		
Conferences	\$ 2,235	100%
District staff attended Coalition for Adequate School Housing (C.A.S.H.) and other facilities related workshops, courses, and conferences.		
Administrative Expenses	\$ 42,386	25%
Administrative expenses including payroll and benefits related to the Facilities Department's oversight of the capital improvements and projects being planned, designed and constructed to accommodate growth were incurred by the District.		
Total Expenditures:		<u>\$ 682,334</u>
Ending Balance (June 30, 2016)		<u>\$ 1,467,768</u>

Note #1. During the 2014-15 audit, it was discovered a warrant in the amount of \$130,188 to Carter Kelly for the construction work on the Marina Village Nurse and Office Expansion was paid in 2015-16 and should have been paid in 2014-15.

Rescue Union School District
Annual Accounting of Developer Fees - Fiscal Year 2015-16
Per Government Code 66001-66008

10.26.16

Attachment A

Beginning Balance (July 1, 2015 Unaudited)		\$ 1,764,406
Audit Adjustment <i>(see note #1)</i>	\$ (130,188)	
Adjusted Beginning Balance (July 1, 2015)		\$ 1,634,218
Revenues:		
Fees Collected	\$ 509,854	
Interest Earned	\$ 6,031	
Other:	<u>\$ -</u>	
Total Revenue:		<u>\$ 515,885</u>
Total Funds Available		\$ 2,150,103
Expenditures:	<u>Amount</u>	<u>Percentage of</u>
	<u>Expended</u>	<u>Cost Funded by</u>
		<u>Developer Fees</u>
Construction Projects:		
Marina Village Middle School Capital Improvements:		
The District has embarked on a plan to enhance the facilities at Marina Village Middle School needed to accommodate growth. Projects include the planning, design, and construction for the following:		
Nurse Station/Office Expansion	\$ 125,919	100%
Gym Expansion - Interior Flooring, Paint, and Bleachers	\$ 58,781	100%
New Two-Story Classroom Wing - Planning		
Central Kitchen Freezer Expansion:	\$ 101,748	100%
The project included the planning, design, and construction of an auxiliary Central Kitchen Freezer needed to accommodate growth.		
Debt Service - 2010 Certificates of Participation Refunding	\$ 320,470	100%
Rental Payments and Interest were paid on the 2010 Certificates of Participation used to refund the 2001 and 2008 COP's. Proceeds from the original sale of Certificates of Participation (2001) were used to plan, design, and construct school facilities and to accommodate growth in constructing Lakeview Elementary School and Pleasant Grove Middle School.		
EDCOE Fee	\$ 15,296	100%
The El Dorado County Office of Education administers the collection of Developer Impact Fees for the school districts in El Dorado County. This is the administrative fee charged by EDCOE for their services.		
Contracts - School Facility Consultants	\$ 6,750	100%
The District contracted with School Facility Consultants to perform the following studies related to Developer Impact Fees: (1) School Facility Fee Justification Report.		
Contracts - California Design West	\$ 7,200	100%
The District contracted with California Design West to complete the District's Facility Master Plan.		
Legal Fees	\$ 1,550	100%
The District incurred legal expenses associated with Developer Impact Fees.		
Conferences	\$ 2,235	100%
District staff attended Coalition for Adequate School Housing (C.A.S.H.) and other facilities related workshops, courses, and conferences.		
Administrative Expenses	\$ 42,386	25%
Administrative expenses including payroll and benefits related to the Facilities Department's oversight of the capital improvements and projects being planned, designed and constructed to accommodate growth were incurred by the District.		
Total Expenditures:		<u>\$ 682,334</u>
Ending Balance (June 30, 2016)		<u><u>\$ 1,467,768</u></u>

Note #1. During the 2014-15 audit, it was discovered a warrant in the amount of \$130,188 to Carter Kelly for the construction work on the Marina Village Nurse and Office Expansion was paid in 2015-16 and should have been paid in 2014-15.

Rescue USD
Developer Fee Summary

Updated 10.26.16

Year	Interest	9013		9017		Beg. Balance	Revenues	Expenditures	Transfers In	Audit Adjust	Ending Balance	
		Level I	Level II	Level III	Level III							
2008-09	\$ 33,716	\$ 33,351	\$ 99,442			\$ 2,628,347	\$ 166,509	\$ 886,381			\$ 1,908,475	
2009-10	\$ 5,093	\$ 30,425	\$ 80,275			\$ 1,908,475	\$ 116,267	\$ 450,135	\$ 2,043,000		\$ 3,617,608	
2010-11	\$ 4,499	\$ 15,832	\$ 44,167			\$ 3,617,608	\$ 64,498	\$ 80,683	\$ 547,445	\$ (2,043,000)	\$ 2,105,868	
2011-12	\$ 4,911	\$ 20,047	\$ 64,827			\$ 2,105,868	\$ 89,785	\$ 74,159	\$ -	\$ -	\$ 2,121,494	
2012-13	\$ 4,193	\$ 84,069	\$ -			\$ 2,121,494	\$ 88,262	\$ 121,042			\$ 2,088,714	
2013-14	\$ 4,920	\$ 220,232	\$ -			\$ 2,088,714	\$ 225,152	\$ 75,191			\$ 2,238,675	
2014-15	\$ 6,208	\$ 342,532	\$ -			\$ 2,238,675	\$ 348,740	\$ 823,008		\$ (130,188)	\$ 1,634,218	
2015-16	\$ 6,031	\$ 509,854	\$ -			\$ 1,634,218	\$ 515,885	\$ 682,334			\$ 1,467,768	
Five Year Revenue/Expenditure 2011-12 thru 2015-16							\$ 1,267,824	\$ 1,775,734				

RESCUE UNION SCHOOL DISTRICT
2390 BASS LAKE ROAD
RESCUE, CA 95672

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that at 7:00 p.m. on Tuesday, November 15, 2016 at the District Office Board Room, located at 2390 Bass Lake Road, Rescue, CA, the Governing Board of the Rescue Union School District will consider the adoption of a Resolution in the Matter of the Annual Developer Fee Report for 2015-2016, pursuant to Government Code sections 66001 [and 66006].

Any interested party may make an oral or written presentation at the meeting.

Rescue Union School District has made available to the public information regarding the capital facilities fees received, deposited, invested and expended by the District, particularly through a document entitled Annual Accounting Developer Fees 2015-2016. Such information may be obtained at the District Office at the address listed above, by contacting Sid Albaugh at 530-677-4461, or at the following link:

<http://www.rescueusd.org/School-Board/Agendas--Minutes/index.html>

By: Sid Albaugh
Assistant Superintendent of Business Services

Dated: October 31, 2016

RESCUE UNION SCHOOL DISTRICT

**AGENDA ITEM: El Dorado Schools Financing Authority
Community Facilities District No. 1
Fiscal Year 2015-16 Update**

Information Item – No Action Required

BACKGROUND:

In 1987, the El Dorado Hills Land Development Company (the Landowners) presented the El Dorado Hills Specific Plan to the County of El Dorado proposing to develop what would become the Serrano Villages. On June 19, 1990, the Rescue Union School District, Buckeye Union Elementary School District, and the El Dorado Union High School District established the El Dorado Schools Financing Authority (a Joint Powers Authority) for the purpose of financing, acquisition, and construction of educational facilities.

In the spring of 1991, the El Dorado Hills Development Company (the “Landowners”) petitioned the El Dorado Schools Financing Authority to form the Community Facilities District No. 1. At or near the same time, the Landowners elected to form the Community Facilities District No. 1 in order to finance adequate school facilities made necessary in part by the development within the El Dorado Hills Specific Plan and adopted by the El Dorado County Board of Supervisors on or about January 19, 1989. In accordance with the Mello-Roos Community Facilities Act of 1982, the Landowners of Community Facilities District No. 1 elected to authorize the levy of a special tax to assist in funding the construction and acquisition of school facilities to serve the residents of dwellings constructed on the Landowners’ property.

STATUS:

Rescue Union School District receives special taxes (Mello Roos) paid by the homeowners in Community Facilities District No. 1 designated for the financing, acquisition and construction school facilities made necessary by the development with the El Dorado Hills Specific Plan.

As of June 30, 2016, the Rescue Union School District has received \$6,626,491 in special taxes from CFD No. 1.

During Fiscal Year 2015-16, the Rescue Union School District expended \$1,668,714 from CFD No. 1 on expenditures related to the acquisition of the Sienna Ridge School properties. In addition, Rescue Union School District had \$10,186 in legal expenditures, \$10 on registration costs, and made rental payments on the 2010 Certificates of Participation that include \$56,250 toward principal and \$136,032 toward interest.

As of June 30, 2016, the estimated total fund balances (unaudited) of the El Dorado Schools Financing Authority Community Facilities District No. 1 for Rescue Union School District are as follows:

Fund 35	\$ 698,667	
Fund 49	\$1,569,705	
<u>Funds w/ fiscal agent</u>	<u>\$2,938,529</u>	<i>(El Dorado Union High School District)</i>
Total	\$5,206,901	

FISCAL IMPACT:

Information Item – No Fiscal Impact

BOARD GOAL(S):

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.

Board Focus Goal V - FACILITY / HOUSING:

Build, improve and maintain school facilities to meet current and future education needs while integrating the most effective and efficient use of resources.

Local Control Accountability Plan GOAL 6:

The District will create and maintain facilities and grounds that are safe, clean and conducive to the learning process.

RECOMMENDATION:

No Action Required

Rescue Union School District
Community Facilities District #1
Fiscal Year 2015-16

Fund 49 - Community Facilities District		
Beginning Balance:	July 1, 2015	\$ 1,765,361
<i>Revenues:</i>		
	<i>Transfers In - From Fiscal Agent (EDUHSD)</i>	\$ -
	<i>Transfers In (COP's) - From Fiscal Agent (EDUHSD)</i>	\$ -
	<i>Interest Earned</i>	\$ 6,822
	<i>Other Local Revenues</i>	<u>\$ -</u>
Total Revenues:		\$ 6,822
<i>Expenditures:</i>		
	<i>CFD Registration</i>	\$ 10
	<i>CFD Legal Expenses</i>	\$ 10,186
	<i>Debt Service - COP Interest</i>	\$ 136,032
	<i>Debt Service - COP Principal</i>	<u>\$ 56,250</u>
Total Expenditures:		\$ 202,478
Ending Balance:	June 30, 2016	\$ 1,569,705

CFD #1 Assets in Fund 35		
*Proceeds of 2010 COP Refunding		
Beginning Balance:	July 1, 2015	\$ 2,367,381
<i>Revenues:</i>		
	<i>Transfers In - From Fiscal Agent (EDUHSD)</i>	\$ -
	<i>Interest Earned</i>	\$ -
	<i>Other Local Revenues</i>	\$ -
Total Revenues:		\$ -
<i>Expenditures:</i>		
	<i>Sienna Ridge Site Acquisition</i>	<u>\$ 1,668,714</u>
Total Expenditures:		\$ 1,668,714
Ending Balance:	June 30, 2016	\$ 698,667

<u>Budgeted Assets:</u>	
CFD #1 Assets in Fund 35	\$ 698,667
Fund 49 - Community Facilities District	\$ 1,569,705
Cash w/ Fiscal Agent (EDUHSD)	<u>\$ 2,938,529</u>
Total Assets:	\$ 5,206,901

<u>Budgeted Liabilities:</u>	
2010 COP Refunding	\$ 2,508,750
CFD Share	

Updated 06.30.16

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: **Request for Proposals and Qualifications for Lease-Leaseback Construction Services**

Construction of Classroom Buildings, Sitework and Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School and Green Valley Elementary School

BACKGROUND:

The Governing Board of the Rescue Union School District is seeking qualified providers of Lease-Leaseback (“L/LB”) construction services for the Construction of Classroom Buildings, Sitework and Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School, and Green Valley Elementary School. Contracts will be awarded by the Board under the provisions of Education Code 17406 *et seq.*

Through the facility planning process, the District identified Phase 1 Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School and Green Valley Elementary School. The total budget for the Rescue Union School District project development and construction costs has been set at approximately \$15 million for total project cost.

STATUS:

The District is soliciting proposals for the Phase 1 Lease-Leaseback Construction Services of the Project (to be referred to in this RFP as 'the Project'). The scope of the Project includes:

- **Marina Village Middle School:**
The District plans to build a new two-story classroom building, sitework, and other modernization work on the campus of Marina Village Middle School, a District-owned site located at 1901 Francisco Drive, El Dorado Hills, California 95762.
- **Lake Forest Elementary School:**
The District plans to construct a kindergarten classroom addition and shade structure, sitework, and other modernization work on the campus of Lake Forest Elementary School, a District-owned site located at 2240 Salisbury Drive, El Dorado Hills, California 95762.
- **Rescue Elementary School:**
The District plans to construct a performing arts/music classroom addition, shade structure, kitchen improvement, sitework, and other modernization work on the campus of Rescue Elementary School, a District-owned site located at 3880 Green Valley Road, Rescue, California 95672.
- **Green Valley Elementary School:**
The District plans to construct a central staff work area, kindergarten classroom renovation, relocate shade structure, re-orient the playground, improve the play fields, sitework, and other modernization work on the campus of Green Valley Elementary School, a District-owned site located at 2380 Bass Lake Road, Rescue, California 95672.

FISCAL IMPACT:

The total budget for the Rescue Union School District project development and construction costs has been set at approximately \$15 million for total project cost. The District is eligible for \$7.7 million in State Modernization funds which will offset District expenditures.

BOARD GOAL(S):

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.

Board Focus Goal V - FACILITY / HOUSING:

Build, improve and maintain school facilities to meet current and future education needs while integrating the most effective and efficient use of resources.

Local Control Accountability Plan GOAL 6:

The District will create and maintain facilities and grounds that are safe, clean and conducive to the learning process.

RECOMMENDATION:

District staff recommends the Board of Trustees authorize the District to seek proposals from qualified providers of Lease-Leaseback (“L/LB”) construction services for the Construction of Classroom Buildings, Sitework and Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School, and Green Valley Elementary School.

Rescue Union School District
2390 Bass Lake Road
Rescue, CA 95672

Request for Proposals and Qualifications
For Lease-Leaseback Construction Services

<http://www.rescueusd.org/Departments/Business-Services/Purchasing/Bids--Proposals/index.html>

Construction of Classroom Buildings, Sitework
and Modernization Projects at:

Marina Village Middle School
Lake Forest Elementary School
Rescue Elementary School
Green Valley Elementary School

RFP/RFQ Issued: November 15, 2016

Responses Due: December 6, 2016 at 2:00 PM

Presubmittal Conference: November 28, 2016 at 2:00 PM

Interviews: December 8, 2016

Selection by Governing Board: December 13, 2016

Request for Proposals and Qualifications
For Lease-Leaseback Construction Services

Construction of Classroom Buildings, Sitework
and Modernization Projects at:

:

Marina Village Middle School
Lake Forest Elementary School
Rescue Elementary School
Green Valley Elementary School

The Governing Board (the "Board") of the Rescue Union School District (the "District") is seeking qualified providers of Lease-Leaseback ("L/LB") construction services for the Construction of Classroom Buildings, Sitework and Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School, and Green Valley Elementary School. Contracts will be awarded by the Board under the provisions of Education Code 17406 *et seq.*

I. General Information

Submittal Due Date:

Six (6) copies of the submittal shall be delivered to Sid Albaugh, Assistant Superintendent of Business Services, no later than **Tuesday, December 6, 2016 at 2:00 PM (PDT)** at:

Rescue Union School District
2390 Bass Lake Road
Rescue, CA 95672

Presubmittal Conference:

The District will hold a Presubmittal conference on Monday, November 28, 2016 at 2:00 p.m. at the Rescue Union School District Board Room located at:

2390 Bass Lake Road
Rescue, CA 95672

Interview Date:

The District will interview selected proposers on Thursday, December 8, 2016 at the District Office Conference Room located at 2390 Bass Lake Road, Rescue, CA 95672. The L/LB Entity Project Team (project manager, project superintendent, project engineer and any other proposed Project Team members) will be required to attend.

Board Approval:

The Board will select a contractor on December 13, 2016 at 7:00 PM at the District Office.

Amendments:

Rescue Union School District reserves the right to cancel or revise this RFP in part or in its entirety. The District also reserves the right to modify the date responses are due, or postpone the interview date. All communication will be via addenda.

Inquiries:

Submit any questions to Sid Albaugh at: salbaugh@my.rescueusd.org

Replies will only be issued via addenda and posted to the District's website at:

<http://www.rescueusd.org/Departments/Business-Services/Purchasing/Bids--Proposals/index.html>

II. Project Description

The Rescue Union School District boundaries cover portions of El Dorado Hills, Rescue, Cameron Park, and Shingle Springs. The District is comprised of seven high achieving schools: Rescue Elementary School, Green Valley Elementary School, Lake Forest Elementary School, Lakeview Elementary School, Jackson Elementary School, Marina Village Middle School and Pleasant Grove Middle School.

Through the facility planning process, the District identified Phase 1 Modernization Projects at Marina Village Middle School, Lake Forest Elementary School, Rescue Elementary School and Green Valley Elementary School. The total budget for the Rescue Union School District project development and construction costs has been set at approximately \$15 million for total project cost.

The District is soliciting proposals for the Phase 1 construction of the Project (to be referred to in this RFP as 'the Project'). The scope of the Project includes:

- **Marina Village Middle School:**

The District plans to build a new two-story classroom building, sitework, and other modernization work on the campus of Marina Village Middle School, a District-owned site located at 1901 Francisco Drive, El Dorado Hills, California 95762.

- **Lake Forest Elementary School:**

The District plans to construct a kindergarten classroom addition and shade structure, sitework, and other modernization work on the campus of Lake Forest Elementary School, a District-owned site located at 2240 Salisbury Drive, El Dorado Hills, California 95762.

- **Rescue Elementary School:**

The District plans to construct a performing arts/music classroom addition, shade structure, kitchen improvement, sitework, and other modernization work on the campus of Rescue Elementary School, a District-owned site located at 3880 Green Valley Road, Rescue, California 95672.

- **Green Valley Elementary School:**

The District plans to construct a central staff work area, kindergarten classroom renovation, relocate shade structure, re-orient the playground, improve the play fields, sitework, and other modernization work on the campus of Green Valley Elementary School, a District-owned site located at 2380 Bass Lake Road, Rescue, California 95672.

The District is seeking proposals from L/LB Providers with extensive public school construction experience with new construction and modernization projects. Applicants should have extensive experience with the California Department of Education, the Office of Public School Construction (“OPSC”), the Division of the State Architect (“DSA”), the Uniform Building Code (“UBC”), and Title 24 of the California Code of Regulations.

The District’s goals include providing an instructional program that enables students to succeed academically and to lead productive lives in a diverse and rapidly changing society. The building program must provide the District with a means to plan and construct facilities that will support the District’s goals. The buildings, classroom spaces, and modernization projects should be flexible and adaptable for the unidentified instructional needs of the future.

Architect

The District has retained California Design West Architects (CDW) of Sacramento, California, as its Architects for the Project and they are in the process of preparing the Project’s construction documents. The L/LB Entity shall work with the Architects as necessary to conduct value engineering and modifications to the plans for the Project, at the direction of District staff. Any questions regarding the plans and design of the facility should be directed to Mitch McAllister at mmcallister@ca-dw.com, telephone: 916-446-2466.

III. Contract Parameters

1. Contract Negotiations

The District will enter into negotiations with the selected entity or entities. Should the District be unable to negotiate a satisfactory contract with that entity or entities, the District may formally terminate negotiations with that entity or entities. The District may then undertake negotiations with another entity or entities. The District reserves the right to award the Project to the entity or entities the District deems most suitable to undertake the Project. The District further reserves the right to reject any or all proposals, or waive any irregularities in any of the proposals submitted pursuant to this RFP.

2. Financing Provisions

Because this Project will use the L/LB delivery method, each respondent should indicate the financing terms that it proposes to offer to the District in connection with the Project, including the length of the financing term and the proposed interest rate. Provide this information on

Appendix C. During the construction phase of the project, the District shall retain ten percent of the cost of construction substantiated by the contractor, and pay the contractor ninety percent of such construction costs. Specifically, the contractor would be paid each month an amount equal to ninety percent of the substantiated construction costs incurred through the end of that month. The ten percent of construction costs retained by the District would be subject to a financing charge agreed by the District and the contractor. After completion of construction, a lease term of at least six months would commence and the ten percent of construction costs retained by the District, less any amounts used by the District to pay any claims related to contractor's work on the project, will be paid out in equal monthly installments over that lease term, plus the financing charge agreed by the District and the contractor. There will be no penalty for early payoff of outstanding amount.

3. Proposed Budget

The District will require an open book policy with the L/LB Entity and its construction team on the entire construction project, including soft costs, site improvements, and the construction of the buildings. The District shall be entitled to have access to subcontractor bids, value engineering back-up, contingency breakdown & tracking, general conditions breakdown & tracking, and L/LB Entity fees.

Change orders will be issued for District directed changes and unforeseen conditions only, as determined by the District in consultation with the Architect and the L/LB Entity.

All Project cost estimates shall assume that construction of the Project is subject to the payment of prevailing wages under the California Labor Code and applicable regulations, and that the Project will be subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

4. Determination of Project Cost

The following components will be included in project cost:

1. General conditions/general requirements at actual cost (all items chargeable to general conditions/general requirements shall be identified).
2. Cost of all subcontractor bids.
3. Contractor fee (includes overhead and profit and all other costs not specifically allowable in general conditions).
4. Payment bond for general contractor.
5. Performance bond for general contractor.
6. Builder's risk insurance (provided, though, that the District retains the right to secure such coverage through its own carrier and to require a credit from the L/LB Entity for insurance cost savings).
7. A project contingency in an amount agreed upon by District and contractor, to revert back to the District if there is any cost savings.

IV. Scope of Work

The Scope of Work includes:

- **Marina Village Middle School:**
The District plans to build a new two-story classroom building, sitework, and other modernization work on the campus of Marina Village Middle School, a District-owned site located at 1901 Francisco Drive, El Dorado Hills, California 95762.
- **Lake Forest Elementary School:**
The District plans to construct a kindergarten classroom addition and shade structure, sitework, and other modernization work on the campus of Lake Forest Elementary School, a District-owned site located at 2240 Salisbury Drive, El Dorado Hills, California 95762.
- **Rescue Elementary School:**
The District plans to construct a performing arts/music classroom addition, shade structure, kitchen improvement, sitework, and other modernization work on the campus of Rescue Elementary School, a District-owned site located at 3880 Green Valley Road, Rescue, California 95672.
- **Green Valley Elementary School:**
The District plans to construct a central staff work area, kindergarten classroom renovation, relocate shade structure, re-orient the playground, improve the play fields, sitework, and other modernization work on the campus of Green Valley Elementary School, a District-owned site located at 2380 Bass Lake Road, Rescue, California 95672.

Pre-construction Services:

Upon being selected as the L/LB Entity for the Project, the District and the selected L/LB Entity will enter into a lease-leaseback agreement with the District pursuant to section 17406 of the Education Code which will cover, among other things, the following pre-construction services:

1. Review, in consultation with the Architect, design documents for constructability, scheduling, clarity, consistency, and coordination.
2. Undertake a value engineering analysis and prepare a report with recommendations to the District to reduce construction costs. The value engineering analysis and report should be prepared at the completion of each design phase: 50 percent Construction Documents, and additionally as needed to align the scope with the overall project budget.
3. Perform a constructability review of the plans and specifications to ensure the buildability of the project.
4. Perform a constructability review of the plans and specifications to ensure the

- buildability of the project.
5. Provide a written cost estimate of the project at the completion of 50 percent Construction Documents Phase (November) and DSA submittal (January).
 6. Coordinate bidding with all sub trades and development of GMP

Construction and Post-Construction Services

When the District has received Division of State Architect (“DSA”) approval of the plans and specifications for the Project, then the District and the L/LB Entity will work in good faith to negotiate an amendment to the lease-leaseback agreement to address any necessary changes resulting from DSA review. The lease-leaseback agreement will cover both the pre-construction services outlined above, and the following construction and post-construction services:

1. Construction of the Rescue Union School District improvements in accordance with the plans and specifications
2. Coordinate and expedite record drawings and specifications.
3. Compile Operations and Maintenance Manuals, warranties/guarantees, and certificates.
4. Prepare final accounting and close-out reports.
5. Other responsibilities necessary for the completion of the Project in accordance with the plans and specifications.

V. Proposal Format and Content

The proposal should be clear, concise, complete, well organized, and demonstrate respondent's qualifications, ideas, and ability to follow instructions.

Provide six (6) copies of the proposal.

All respondents are requested to follow the order and format specified below. Please tab each section of the submittal to correspond to the numbers/headers shown below.

Submittal Cover

Include the RFP's title and submittal due date, the name, address, fax number, and the telephone number of responding firm (or firms if there is a joint venture or association).

Table of Contents

Include complete and clear listings of headings and pages to allow easy reference to key information.

Body of Submittal

The following sections should be included in the order listed. You may choose to include the answers to Appendix A in the body of these sections. :

1. A cover letter signed by an authorized officer of the firm submitting the proposal, or signed by another person with authority to act on behalf of and bind the firm. Indicate contact person(s) for the proposal.

Note: If you have submitted a LLB proposal to the RUSD School District in the past 6 months you may exclude the following information except for items 6-12.

2. General information about your firm, including number of employees, years in business, name(s) of owners(s), home office location, local office location (if different), types of licenses held, primary business types, and market areas. (Appx A, sec A)
3. Respondents must hold a General Building Contractors License, Class B, which is current, valid, and in good standing with the California Contractor's State License Board. Provide the following information for each license held: (Appx A, sec A)
 - a. Name of license holder exactly as on file
 - b. License Classification
 - c. License Number
 - d. Date Issued
 - e. Expiration Date
 - f. Whether license has been suspended or revoked in the past 5 years (if so, please explain)

4. Specific experience with K-12 public school projects in California with specific reference to projects both prior and current in the region. Please indicate project type(s), constructed values, dates, names of District contacts, and architect and engineer contacts. (Appx A, sec B)

Specific experience with K-12 public school lease-leaseback projects conducted under California Education Code Section 17406 *et seq.* (Appx A, sec B)

5. Financial Information – Provide the following financial information about your firm (Appx A, sec C):
 - a. A current report from any commercial credit rating service, such as Dunn and Bradstreet or Experian.
 - b. A letter from a CA admitted surety or insurance company stating bonding limit for payment and performance bonds which can be applied to this project.
 - c. A letter from an insurance company indicating ability to provide insurance along with applicable, maximum limits of coverage.
 - d. Indicate current value of all work the L/LB Entity has under contract presently.
6. Qualifications and Experience Questionnaire - The District has requested certain information, such as the Contractor's place of business, legal entity status, and license(s), in the Proposal Documents which will assist in the decision making process. Completion by Contractor of the Qualifications and Experience Questionnaire attached (see appendix A) will also be used by the District in its consideration of the Proposal submitted by each Contractor and failure to complete the questionnaire may render a proposal incomplete.
7. Describe, in detail, your approach and methods for carrying out the Preconstruction Services.
8. Describe, in detail, your approach and methods for carrying out this Scope of Work.
9. Scheduling Information - Provide a pre-construction and construction timeline for the Project; it is anticipated that construction will start in the summer of 2017.
 - a. Provide construction duration for the entire project. Schedule should assume a June 01, 2017 start date and shall indicate total months required for construction.
10. Resumes of proposed team, emphasizing specific experience with K-12 public school projects in the region if possible. Please refer to item 4 in the selection criteria above.

11. Proposed Staffing Plan – Provide an estimate of the staffing for the construction of the Project. Specifically, the identity and amount of time individuals, such as the project manager, project superintendent, project engineer, and others will spend on the job site throughout construction.
12. Project Cost Information –. In addition to the answers below, provide pricing based on the attached Appendix C: Pricing Matrix to submit fee data. Use the Direct Construction Cost provided to determine your rates. The District will negotiate a final contract price for the Project with the selected Contractor and expects the Contractor to make necessary value engineering recommendations to keep the final contract price within the District’s final budget for the Project. The project cost information will include at a minimum:
 - a. Cost for Preconstruction services
 - b. Team structure for Preconstruction services
 - c. Contractor fee as a percentage (includes fee, overhead, profit)
 - d. General conditions costs, estimated duration for general conditions, and a detailed breakdown of what is provided in general conditions (all items chargeable to general conditions/general requirements shall be identified).
 - e. Provide an itemized list of insurance and bonds to be provided. Provide cost information detailing if insurance and bonding costs are calculated as a percentage or fixed fee (Note that District is retaining the right to modify the insurance requirements for the Project, including, but not limited to, by implement an Owner Controlled Insurance Program (OCIP)). If implemented, the OCIP will provide certain specified coverages for the District, and any contractor or subcontractor working on the Project who are eligible for and properly enrolled in the OCIP. The insurance coverages may include, but are not limited to, workers compensation insurance, commercial general liability insurance, and excess liability insurance. The terms of the agreement for the Project will require all eligible contractors and subcontractors to enroll in the OCIP and pass any reduction in insurance costs due to enrollment in the OCIP on to the District.

V. Selection Process

1. The purpose of this Request for Proposals is to enable the Rescue Union School District to select the most qualified and best value firm or firms with whom the District intends to enter into negotiations for construction of the entire project pursuant to the L/LB provisions of Education Code Section 17406 *et seq.*

2. The District will use the selection process outlined below. A review and selection committee composed of key District officials and consultants will review and evaluate all proposals and will conduct interviews.
3. Proposals will be opened privately to assure confidentiality and to avoid disclosure of the contents to competing respondents prior to and during the review, evaluation, and negotiation processes. However, to the extent that the submittals are public records under California law, they must be released to members of the public if specifically requested under applicable law.
4. The scoring matrix (Appendix D) will be utilized to determine the final proposing entity. The selection process will be based on performance in the submittal as well as the performance in the interview. The following items will be considered by the District in the selection process:
 - Conformance to the specified proposal format and organization, presentation, and content of the proposal.
 - California K-12 public school experience by contractor and project team.
 - Local office and local experience in the Sacramento Area, which includes, but is not limited to the Counties of El Dorado, Amador, Placer, Yolo and Sacramento.
 - Proposed use of local subcontractors and material suppliers.
 - Experience with the L/LB project delivery method in CA K-12 public schools.
 - Qualifications and experience of the proposed "Project Team," especially the project manager, superintendent, project engineer, and the individual leading the bidding effort. The District will expect you to commit the Project Team no later than the date of the interview, but preferably in the proposal. **The contract will specify the Project Team by name, and individuals will only be replaced with the specific written consent of the District.**
 - Proposed methods and overall strategic plan to accomplish the work in a timely and competent manner within the District's financial constraints and time frames.
 - Although this is a preliminary estimate, the District expects cost parameters to be established based on project parameters of a project of similar size and scope. Additionally, costs for general conditions, contractor fees, and insurance rates will form part of the selection process.
 - Interview scoring will include a staging solution discussion that will be a project specific challenge. This is not required in the written proposal and the question parameters will be provided to all interviewing entities.

VI. Special Conditions

Skilled and Trained Work Force: Pursuant to section 17407.5 of the California Education Code, the selected L/LB Entity must commit to use a “skilled and trained workforce” to perform all work on the Project that falls within an apprenticeable occupation in the building and construction trades. Respondents should affirm in their proposals their commitment to comply with section 17407.5.

Continuing Verification of Contractor Qualifications: Given the amount of time that the District anticipates will pass between the time that the District enters into an agreement with an L/LB Entity for the Project and the point at which work will begin, the District intends to retain the right, subsequent to entering into such an agreement, to develop a prequalification procedure pursuant to section 20111.5 of the California Contract Code, and any other relevant provisions of law, for the contractor and subcontractors performing work on the Project.

Further, as a means of verifying the continuing qualifications of the L/LB Entity to timely and competently execute the Project, the L/LB agreement for the Project will provide that, subsequent to the District and the L/LB Entity entering into the Agreement, and prior to the issuance of a notice to proceed, the District shall have the right to adopt a prequalification process for contractors and subcontractors and to require the L/LB Entity to prequalify under this process. The L/LB agreement will provide that a failure by the L/LB Entity to prequalify under this procedure shall be grounds for termination of the L/LB agreement.

Non-Discrimination: The District does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability, or gender in consideration for an award of contract.

Drug-Free Policy and Fingerprinting: The selected L/LB Entity shall be required to complete any and all fingerprinting requirements and criminal background checks required by State law and shall also be required to complete a Drug-Free Workplace Certificate.

Iran Contracting Act Certification: The selected L/LB Entity shall be required to complete an Iran Contracting Act Certification under Public Contract Code sections 2202-2208.

Costs: Costs of preparing this RFP proposal are solely the responsibility of the Respondent.

Prevailing Wages: Respondents are advised that this Project is a public work for purposes of the California Labor Code, which requires payment of prevailing wages. These rates are set forth in a schedule, which may be found on the California Department of Industrial Relations website at www.dir.ca.gov. Any L/LB Entity to which a contract is awarded must pay the prevailing rates, provide payroll records when required, post copies thereof at the job site, and otherwise comply with applicable provisions of state law including, but not limited to, the Kindergarten-University Public Education Facilities Bond Act of 2002 or the Kindergarten-University Public Education Act of 2004, AB 1506, and Labor Code Section 1771.7, which require a public school district to implement and enforce a Labor Compliance Program.

State Registration: As of April 1, 2015, the selected contractor and any proposed subcontractors shall not enter into any Lease-Leaseback Agreement for the Project unless currently registered with the DIR and qualified under Labor Code section 1725.5 to perform public works projects.

Bonding: At commencement of construction, the successful L/LB Entity will be required to furnish a Payment Bond (Material and Labor) in the amount of one hundred percent of the contract price and a Performance Bond in the amount of one hundred percent of the contract price. The estimated total budget for project development and construction is \$15 million.

Limitations: This RFP does not commit Rescue Union School District to award a contract, to defray any costs incurred in the preparation of a proposal pursuant to the RFP, or to procure or contract for work. The Rescue Union School District reserves the right to waive any irregularities in the proposals received pursuant to this RFP, or in the process outlined herein for selection of a contractor for the Project.

Termination: In any contract entered into between the District and an L/LB Entity, the District shall retain the right to terminate the contract for inadequate performance. Should the District and L/LB entity fail to reach agreement on a GMP contract, the District may terminate the contract for convenience without further consideration.

Appendix A

QUALIFICATIONS AND EXPERIENCE QUESTIONNAIRE

SUMMARY

The District has requested certain information, such as the Contractor's place of business, legal entity status, and license(s), in the Proposal Documents which will assist in the decision making process. Completion by Contractor of the Qualifications and Experience Questionnaire below will also be used by the District in its consideration of the Proposal submitted by each Contractor.

Responses to the questions below are required and may be included in the space directly below the question or included on a separate sheet of paper that must be attached to the document. Every question must be responded to and all questions answered "yes" must be explained.

You may also choose to incorporate some of the answers to these questions in the proposal sections 1-5 outlined above.

Any omission of requested information may result in an automatic rejection of the Proposal submitted by Contractor. Any material misrepresentation shall result in the automatic rejection of the Proposal submitted by Contractor. If any information submitted by Contractor becomes inaccurate after submittal, Contractor must immediately notify the District and provide in writing any updated information. **NOTE: For larger entities, keep answers to any specific question limited to 1 page.**

This document is not a prequalification questionnaire and financial statement as provided for in Public Contract Code Section 20111.5 and thus may be subject to public disclosure. All information provided in this document will be kept confidential to the extent permitted by law.

QUALIFICATIONS AND EXPERIENCE QUESTIONNAIRE

A. Questions about History of the Business

1. How long has your organization been in business in California as a contractor under your present business name and license number?
2. Please confirm that you hold a General Building Contractors License, Class B, which is current, valid, and in good standing with the California Contractor's State License Board. Has the license been suspended or revoked in the past 5 years? If so, please explain.
3. Have you ever been licensed in California under a different name or license number? If yes, please list all the name(s) and license number(s).
4. Has your organization declared bankruptcy or been placed in receivership in the past five years? If so, please explain.
5. Is your organization connected with other organizations as a subsidiary, parent, holding or affiliate? If so, please explain.
6. Has your firm, or any of its owners, officers, or partners ever been convicted of a crime involving any federal, state, or local law related to construction? If so, please explain.
7. Has your firm or any of its owners, officers, or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty? If so, please explain.

B. Qualifications

1. How many years has your organization completed construction work as a General Contractor under California's Division of State Architect (DSA) Rules and Regulations?
2. How many Lease Leaseback construction projects of at least \$15 million dollars for public school entities have you completed in the past five years?
3. Of these L/LB projects in excess of \$10 million, describe up to five of these projects in detail.
4. Describe one or more challenges you faced with each of these five projects and how your firm provided value to overcome these challenges.
5. Provide references for these projects.
6. How many existing school modernization or new school construction projects has your organization completed in the past five years?

C. Questions about Organizational Performance: Bonding

1. How many projects is your organization currently bonded for?
2. What is your current total bonding capacity?
3. What is your current available bonding capacity?
4. Has your organization been unable to obtain a bond or been denied a bond for a contract in the past five years? If so, please explain.
5. Has your organization ever defaulted on a contract forcing a surety to suffer a loss? If so, please explain.
6. If your firm was required to pay a premium of more than 1% for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm had to pay, and provide an explanation.
7. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? If so, please explain.
8. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm? If so, please explain.
9. Has your organization received a Notice of Default, or Notice of Intent to Terminate, on a public works project in the last five years? If so, please explain.

D. Questions about Organizational Performance: Contracts

10. Has your organization ever failed to enter into a contract after being selected for a new school construction or modernization project? If so, please explain.
11. Has your organization ever submitted proposed change orders on a modernization or new construction project that in total would have increased the contract price by more than 10% for modernization or 5% for new construction? If so, please explain.
12. Has your organization ever failed to complete a new school construction or modernization contract in the past five years? If so, please explain.
13. Has your organization ever failed to complete a contract in the past five years within the authorized contract time? If so, please explain.
14. Has your firm been assessed liquidated damages in the past five years? If so, please explain.
15. Has your organization ever been disqualified from submitting a proposal or a bid on a State of California project, school district project, or other public work? If so, please explain.

E. Questions about Organizational Performance: Disputes

16. Has your organization's contract on a public works project been terminated or canceled by the public entity owner in the last five years? If so, please explain.
17. Is your organization currently involved in litigation or has it been involved in litigation in the past five years related to a construction project? If so, please explain.
18. Are there currently any liens/stop notices for labor and/or materials filed against your organization? If so, please explain.
19. How many stop notice enforcement lawsuits against your organization have been lost or settled by the organization in the past five years? Please explain.
20. How many construction-related claims, complaints, and/or cross-complaints has your organization filed in court in the last 5 years? Please explain.
21. How many construction-related claims has your organization arbitrated in the last 5 years?
22. In the past three years, how many unresolved change orders resulted in a claim filed by your organization? Please explain.
23. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity? If so, please explain.

F. Questions about compliance with safety, workers' compensation, prevailing wage, and apprenticeship laws

1. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years? If so, please explain.
2. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years? If so, please explain.
3. Has the EPA or any other State or Federal resource agency including any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years? If so, please explain.
4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?
5. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

Current year: _____
Previous year: _____
Year prior to previous year: _____

6. Within the last five years, has there ever been a period when your firm was without workers' compensation insurance or state-approved self-insurance? If so, please explain.
7. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the federal or state prevailing wage laws? If so, please explain.
8. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works? If so, please explain.
9. In the past three years, have any action for back wages been filed against your organization with the California State Department of Labor Standards Enforcement for failure to pay prevailing wages? If so, please explain.
10. Has any employee, individual, or entity filed a complaint in the past five years against your organization with the California Contractors License Board? If so, how many were filed and how were the complaints resolved?

(The submitted document containing responses to the above questions shall also include the following paragraph, verbatim, and be signed and dated by an authorized member of the firm.)

I, the undersigned, certify and declare that I have read all the foregoing answers to this Qualifications and Experience Questionnaire and know their contents. The matters stated in the Questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

Signature

Title

Printed Name

Appendix B

QUALIFICATIONS AND EXPERIENCE QUESTIONNAIRE

We have reorganized the order of Appendix A but have not added any new questions. If you have submitted a LLB proposal to the RUSD School District in the past 6 months you may certify that no information has changed. If any information has changed, you may submit the modified information with this appendix. If you need to update any information previously submitted, you may also do so with this appendix.

(The submitted document containing responses to the above questions shall also include the following paragraph, verbatim, and be signed and dated by an authorized member of the firm.)

I, the undersigned, certify and declare that I have read all the foregoing answers to this Qualifications and Experience Questionnaire and know their contents. The matters stated in the Questionnaire answers submitted to the Rescue Union School District within the past 6 months are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated: _____

Signature

Title

Printed Name

Appendix C

SCHEDULE OF PROPOSAL PRICES

Submittal Directions: Submit this schedule in a separate sealed envelope.

SUMMARY

To facilitate a comparison of proposals, The District requests the Contractors to submit fees based on an estimated project amount. These fees and percentages will be utilized to determine the final GMP based on the scope of work approved by DSA and the resulting subcontractor bids. For purposes of these fees, contingencies, escalation, owner's and contractor's allowances, and other holdouts are not required as those will be determined in the final contract and GMP. These costs should include all costs associated with the General Contractor's scope of work and management of the job.

Proposal Item	Description	Unit	Total
1	Preconstruction Services	Lump Sum	\$
2	Direct Construction Cost (from District Estimate)	Lump Sum	\$
3	General Conditions (% of proposal item 2)	Monthly Rate \$/_____/mo	\$
4	Overhead and Profit (% of Proposal Items 2 and 3)	Percentage _____%	\$
5	GC Payment and Performance Bonds (based on Proposal Item 2)	Percentage _____%	\$
6	Liability Insurance* (% of Proposal Items 2 and 3)	Percentage _____%	\$
7	Builder's Risk Insurance* (% of Proposal Items 2 and 3)	Percentage _____%	\$
8	Total Fee Proposal (Sum of Proposal Items 1-7)		\$
9	Financing Cost	Percentage _____%	Term:

Total Proposal Fee (in words) _____

*District reserves the right to implement an OCIP for required insurance obligations.

Appendix D

Scoring Criteria

Scoring will consist of two sections. The proposal scoring will determine the entities selected for interviews. Cumulative scores for both proposal and interviews will determine the selected proposing entity. The District will interview the top 50% of applicants or a minimum of 4 firms.

Proposal Scoring Criteria:

Appendix A: Section A	Business History	5 points
Appendix A: Section B	Qualifications	10 points
Appendix A: Section C	Bonding	5 points
Appendix A: Section D	Contracts	5 points
Appendix A: Section E	Disputes	10 points
Appendix A: Section F	Worker's Compliance	5 points
Appendix C	Preconstruction Cost	5 points
Appendix C	Total Project Cost	30 points
Appendix C	Financing Terms	5 points
Reference Check		15 Points
Total Proposal Points:		95 points

Interview Scoring

Preconstruction Services	15 Points
Project Team	35 Points
Proposed Phasing Solutions	15 Points

Total Interview Points: 65 points

ITEM#: 11

DATE: November 15, 2016

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Educator Effectiveness Fund Revised Budget Proposal 2015-2018

BACKGROUND:

As a condition of receiving State Educator Effectiveness Funds, a school district is required to develop and adopt a plan delineating how the Educator Effectiveness funds will be spent. The plan must be explained in a public meeting of the governing board of the school district or county board of education, or governing body of the charter school, before its adoption in a subsequent public meeting. Revisions to the plan shall also be explained in a public meeting and adopted in a subsequent meeting.

STATUS:

A three year budget plan has been developed to support beginning teachers and administrators, as well as educators in the Peer Assistance and Review program. This plan also supports the alignment of instruction to state standards and to promote quality and effectiveness through training, mentoring, and coaching. In order to best leverage the financial resources of the Educator Effectiveness Fund, revisions have been proposed to reallocate unspent funds to areas where they can be most impactful. All revisions are aligned with the identified target areas of the Educator Effectiveness Fund.

FISCAL IMPACT:

N/A.

BOARD GOAL(S):

Board Focus Goal I – STUDENT NEEDS:

- B. Curriculum and Instruction: Provide a meaningful, innovative learning environment using Common Core, and other student content standards and researched-based, progressive, effective instructional methodology, instructional materials, staff development and technology that will ensure student success in career and college.

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.

Board Focus Goal VI – CULTURE OF EXCELLENCE:

Create and promote practices that support, reward and incentivize employees to perform at exceptional levels for the benefit of our students.

RECOMMENDATION:

Information Only

**Educator Effectiveness Fund
Budget Proposal 2015-2018
(Initial Board Approval 12.8.15)
(Last Public Comment for Revisions 5.10.16)
(Revised 11.7.16)**

Funding Description

Educator Effectiveness Funds are intended to provide funding to county offices of education, school districts and charter schools to provide beginning teacher and administrator support and mentoring, professional development, coaching and support services for teachers identified as needing improvement or additional support, professional development for teachers and administrators aligned to the state standards, and to promote educator quality and effectiveness.

Conditions of Funding

As a condition of receiving Educator Effectiveness funds, a school district, county office of education, charter school, or state special school is required to:

1. Develop and adopt a plan delineating how the Educator Effectiveness funds will be spent. The plan must be explained in a public meeting of the governing board of the school district or county board of education, or governing body of the charter school, before its adoption in a subsequent public meeting.

2. On or before July 1, 2018, report detailed expenditure information to the California Department of Education (CDE), including, but not limited to, specific purchases made and the number of teachers, administrators, or paraprofessional educators that received professional development.

Rescue Union School District's Total Projected Allocation
\$267,570 (+\$2)

RUSD's Estimated Allocation Minus Indirect Costs
\$256,412 (-\$156)

Estimated Indirect Costs
\$11,158

Educator Effectiveness Funding Targets
Target 1 - Beginning teacher and administrator support and mentoring
Target 2 - Professional development, coaching, and support services for teachers who have been identified as needing improvement
Target 3 - Professional development for teachers and administrators that is aligned to the state content standards.
Target 4 - To promote educator quality and effectiveness, including, but not limited to, training on mentoring and coaching certificated staff and training certificated staff to support effective teaching and learning.

Year 1 Planned Expenditures	Target	Amount
Remaining Balance of BTSA Support Provider Stipends (a portion is covered through EDCOE funding) (for 10 teachers)	1	\$3,300
PAR Support Teacher Stipends (projected for 2 teachers) UNUSED - No PAR Volunteers or Referrals	2	\$0
Afterschool Google Apps/Instructional Technology Workshops four, 90 minute sessions x 25 participants x extra duty hourly rate)	4	\$6,000
Effective Teaching and Learning Staff Development for Green Valley (GLAD Coaching)	4	\$3,000
Effective Teaching and Learning Staff Development for Rescue (GLAD Training)	4	\$3,000
Effective Teaching and Learning Staff Development for Jackson (ELA Professional Development through EDCOE tied to SPSA Goals)	4	\$3,000
Effective Teaching and Learning Staff Development for Lakeview (GLAD Training)	4	\$3,000
Effective Teaching and Learning Staff Development for Lake Forest (GLAD Training)	4	\$3,000
Effective Teaching and Learning Staff Development for Pleasant Grove (Professional Development through EDCOE tied to SPSA Goals)	4	\$3,000
Effective Teaching and Learning Staff Development for Marina Village (Google Educators' Summit, EDCOE Google Training)	4	\$3,000
Attendance at the California Science Teachers Conference (Registration for 1 Administrator and 4 Teachers + 4 Subs)	3	\$2,000
Attendance at the NGSS Take Plunge Training (1 administrator)	3	\$300
Socratic Seminar Training for Teachers (6 Teachers @ \$215 plus travel and lodging)	4	\$3,220
1 Additional Attendee for Step up to Writing Training \$150 (All others paid through LRE Grant)	3	\$150
Summertime Google Summit for 3 Gen Ed. Elementary Teachers (Registration and Lodging)	4	\$1,700

February Google Summit Registration for 3 Technology Teachers	4	\$840
Common Core ELA/ELD Framework Training (4 days subs for adoption Teams - 20 teachers)	3	\$9,600
Common Core ELA/ELD Pilot Training	3	\$6840
NGSS Training at San Joaquin Co Office Unit Development for middle schools (10 hours x up to 12 teachers)	3	\$4,000
Registration for up to 5 people at Sacramento Area Science Project for NGSS Workshop June 21-24	3	\$3000
Professional Development on Autism and best practices for managing student behaviors for Instructional Assistants	4	\$1,500
Professional Development for 2 Beginning Administrators	1	\$3000
Conference, Workshops, Training for teachers participating in induction (BTSA) - 10 teachers @ \$1000 each	1	\$10,000
Conferences, workshops, training on coaching or supporting teachers in the induction program - 7 teachers @ \$1000 each	1	\$7,000
Conference, Workshops, Training for teachers participating in PAR - 2 teachers @ \$1000 each UNUSED - No PAR Volunteers or Referrals	2	\$0
Conferences, workshops, training specific to supporting teachers for PAR Supporting Providers - 2 teachers @ \$1000 each UNUSED - No PAR Volunteers or Referrals	2	\$0
Staff Development and Sub Costs for Effective Coaching Workshops (PAR Support Providers, TECH TOSAs,)	4	\$3700
Substitutes to release teachers to observe peers and coaching teachers UNUSED - No PAR Volunteers or Referrals	4	\$0
PAR Panel Stipends	2	\$2,000
Subs for Step up to Writing	3	\$6000
6 (½-day) subs for teachers to identify essential standards for Middle School Course I, II, and III essential standards to develop Course IE, IIE, and IIIE.	3	\$500
Voxer Professional Development/Book Study "Unshakeable"	4	\$500
Year 1 Projected Expenditures		\$96150
Year 1 Actual Expenditures		\$79,909

Year 2 Planned Expenditures	Target	Amount
BTSA Support Provider Stipends (for 10 teachers)	1	\$29,005
PAR Support Teacher Stipends (projected for 2 teachers)	2	\$7,333
Afterschool Google Apps/Instructional Technology Workshops one, 60 minute session x 28 participants x extra duty hourly rate) + 3 hours prep for presenter at approx. \$40 per hour	4	\$1,240
Presenters for September 6th Inservice Day on Best instructional practices	4	\$2500
AVID Staff Development for Site Team	4	\$4,000
Attendance at the National Science Teachers Conference in Los Angeles (\$2500 for PG and \$2500 for MV)	3	\$5000
Attendance at the National Science Teachers workshop in Reno	3	\$600
Professional Development on instructional practices for Instructional Assistants/Library Media Coordinators \$2500 CLA Conference, \$1500 for Children's Book Conference	4	\$4000
Conference, Workshops, Training for teachers participating in induction (BTSA) - 10 teachers @ \$1000 each	1	\$10,000
Conference, Workshops, Training for new administrators 2 Assistant Principals @ \$1000 each	1	\$2000
Effective Teaching and Learning Staff Development for Lake Forest	4	\$1425
Effective Teaching and Learning Staff Development for Lakeview	4	\$1425
Effective Teaching and Learning Staff Development for Green Valley	4	\$1425
Effective Teaching and Learning Staff Development for Jackson	4	\$1425
Effective Teaching and Learning Staff Development for Rescue	4	\$1425
Effective Teaching and Learning Staff Development for Pleasant Grove	4	\$1425
Effective Teaching and Learning Staff Development for Marina Village	4	\$1425
Conference, Workshops, Training for teachers participating in PAR - 2 teachers @ \$1000 each	2	\$2,000
Conferences, workshops, training on coaching or supporting teachers for PAR Supporting Providers - 2	2	\$2,000

teachers @ \$1000 each		
PAR Panel Stipends	2	\$2,000
Training and Release Time for Math/ELA Coaching Opportunities	4	\$3,400
Benchmark Demonstration Lessons (PD)	4	\$7,000
Training/Travel/Lodging for Project Lead the Way Teachers (NGSS Aligned Instruction) for: <ul style="list-style-type: none"> Automation and Robotics: 2 Teachers Introduction to Comp Sci: 2 Teachers Energy and the Environment: 1 Teacher New Design and Modeling: 1 Teacher 	3	\$19,100
Compensation for PLTW Readiness Training (Compensation for the online training was based on the average amount of required time per PLTW)	3	\$4800
Training for Cool School Teacher on FuelEducation standards aligned online curriculum	3	\$750
Evening Professional Development Event (Growth Mindset and Differentiated Instruction)	4	\$1357
NGSS Curriculum Study (AMplify)	3	\$500
Year 2 Projected Expenditures		\$118,560
Year 2 Actual Expenditures		
NOTES: CUE TOSA camp, Google BER, EDCOE 7th grade science training, ACSA Leadership Summit all coming out of Title II		

Year 3 Planned Expenditures	Target	Amount
BTSA Support Provider Stipends (for 10 teachers)	1	\$29,005
PAR Support Teacher Stipends (projected for 2 teachers)	2	\$7,333
Professional Development on instructional practices for Instructional Assistants	4	\$1060
Conference, Workshops, Training for teachers participating in induction (BTSA) - 10 teachers @ \$1000 each	1	\$10,000

Site Allocations for Target 3 and 4 (topics TBD)	1	\$2500
Conference, Workshops, Training for teachers participating in PAR - 2 teachers @ \$1000 each	2	\$2,000
Conferences, workshops, training on coaching or supporting teachers for PAR Supporting Providers - 2 teachers @ \$1000 each	2	\$2,000
PAR Panel Stipends	2	\$2,000
Conferences, Trainings, workshops for teachers on effective teaching practices.	4	\$2045
Year 3 Projected Expenditures	YEAR 3 TOTAL	\$57,943
Year 3 Actual Expenditures		

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. A table providing a listing of revised policies and summary of changes is included.

FISCAL IMPACT:

N/A

BOARD GOAL:

Board Focus Goal III – COMMUNICATION/COMMUNITY INVOLEMENT

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 board policies for first reading and possible consideration for action.

**RUSD Board Policy, Administrative Regulations and Board Bylaws
November 15, 2016**

POLICY	TITLE	REQUIREMENT
<i>First Reading</i>		
BP/AR 0450	Comprehensive Safety Plan <i>REVISE</i>	Policy updated to clarify the district's responsibility to annually review comprehensive school safety plans. Regulation updated to delete the requirement to include hate crime reporting procedures in the safety plan, as they are no longer required by law. List of optional plan components expanded to include (1) policy related to firearms possession on campus; (2) measures to minimize gang influence; (3) guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses; (4) strategies for suicide prevention; (5) procedures to handle disruptions; and (6) concepts related to environmental safety.
BP/AR 1312.3	Uniform Complaint Procedures <i>REVISE</i>	Mandated policy updated to reflect programs that must be investigated in accordance with the uniform complaint procedures (UCP), as listed on the California Department of Education's 2016/17 UCP Checklist. Mandated administrative regulation revised to clarify required annual notification and complaint filing requirements, and to provide for equitable treatment of a respondent to a complaint as required under federal law.
BP 2121	Superintendent's Contract <i>REVISE</i>	Policy updated to clarify the conditions under which the Governing Board may meet in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss superintendent contact, salary, or compensation paid in the form of fringe benefits.
BP/AR 3553	Free and Reduced Price Meals <i>REVISE</i>	Minor revisions made in policy and regulation to delete references to sharing free and reduced-price meal records for the purpose of determining the eligibility of students in Title I program improvement schools for school choice and supplemental educational services, as those requirements were eliminated in the Every Student Succeeds Act (P.L. 114-95), and instead authorize the use of those records to determine eligibility for alternative supports offered in accordance with the CDE's transition plan.

**RUSD Board Policy, Administrative Regulations and Board Bylaws
November 15, 2016**

POLICY	TITLE	REQUIREMENT
BP 3555	Nutrition Compliance Program <i>ADOPT</i>	Policy updated to clarify that, although state and federal law prohibit discrimination in child nutrition programs for all protected categories, the CDE and U.S. Department of Agriculture (USDA) only investigate complaints of discrimination based on race, color, national origin, sex, age, and disability. Policy also reorganizes and expands the responsibilities of the district's civil rights coordinator to reflect CDE's guidebook as updated in November 2015, and updates the addresses where complaints may be submitted. Nondiscrimination statement that is required to be printed on program documents, pamphlets, brochures, and other materials updated to reflect the USDA's 2015 statement.
BB 9321	Closed Session Purposes and Agenda <i>REVISE</i>	Bylaw updated to clarify that the Board may not meet in closed session under the "personnel exception" (Government Code 54957) of the Ralph M. Brown Act to discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline. "Negotiations/Collective Bargaining" section revised to reflect that the Board may meet with the district's designated representatives in closed session under the "labor exception" (Government Code 54957.6) of the Ralph M. Brown Act to discuss salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent.

Rescue Union ESD

Board Policy

Comprehensive Safety Plan

BP 0450

Philosophy, Goals, Objectives and Comprehensive Plans

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

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

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 3515 - Campus Security)~~

~~(cf. 3515.2 - Disruptions)~~

~~(cf. 3515.3 - District Police/Security Department)~~

~~(cf. 3515.7 - Firearms on School Grounds)~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5131.2 - Bullying)~~

~~(cf. 5131.4 - Student Disturbances)~~

~~(cf. 5131.7 - Weapons and Dangerous Instruments)~~

~~(cf. 5136 - Gangs)~~

~~(cf. 5137 - Positive School Climate)~~

~~(cf. 5138 - Conflict Resolution/Peer Mediation)~~

~~(cf. 5144 - Discipline)~~

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

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

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 5145.7 - Sexual Harassment)~~

~~(cf. 5145.9 - Hate-Motivated Behavior)~~

Note: Pursuant to Education Code 32281 and 32286, each school is required to adopt a comprehensive school safety plan (Option 1 below). However, districts with an average daily attendance (ADA) of 2,500 or less are authorized by Education Code 32281 to develop a districtwide safety plan in lieu of developing school plans; thus, those districts may select either Option 1 or 2 to reflect district practice. Any district may choose to develop both district and school plans.

OPTION 1: (Districts with more than 2,500 ADA that choose to develop school site plans)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

Each principal or designee shall ensure the development of a comprehensive site-level safety plan, in accordance with law, tailored to the specific concerns of each school. The plan shall take into account the school's staff, available resources and building design, as well as other factors unique to the site.

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

~~(cf. 1220 - Citizen Advisory Committees)~~

~~Each school shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)~~

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

~~(cf. The 0510 - School Accountability Report Card)~~

~~Each school shall forward the safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site. Board for approval. (Education Code 32288)~~

OPTION 2: (Districts with 2,500 or less ADA that choose to develop a districtwide plan)

~~The Superintendent or designee Board shall oversee improve the development plan at a regularly-scheduled meeting of the Board and the adoption of the plan shall not be a districtwide comprehensive consent item. At a minimum, the Board shall discuss both of the following:— (Education Code 32288, 352941.21, 35294.2)~~

~~1. How the safety plan that is applicable to each addresses the needs of the school site. (Education Code 32281) and student within that school~~

~~2. How or safety planning committee considered the "three essential components" when writing the plan, including assuring each student a safe physical environment; assuring each student a safe, respectful, accepting and emotionally nurturing environment; and providing each student resiliency skills.~~

~~(cf. 9322 - Agenda/Meeting Materials)~~

Note: The following two paragraphs apply to all districts. Education Code 32286 requires that the school site council review and update the comprehensive safety plan by March 1 of each year. In districts with ADA of 2,500 or less that choose to develop a districtwide plan in accordance with Option 2 above, the Superintendent or designee may conduct the annual review.

Pursuant to Education Code 32288, the updated plan(s) must be submitted to the district for approval. The Board may choose to delegate to the Superintendent or designee the responsibility to review and approve the updated plans, but the Board remains responsible for ensuring compliance with the law.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive/~~or school~~ safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

Note: Education Code 32288 requires that districts notify the California Department of Education if a school has not complied with the safety plan requirements. In the event that the Superintendent of Public Instruction determines that there has been a willful failure by a district to make any report required by Education Code 32280-32289, Education Code 32287 provides that the district may be fined up to \$2,000.

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

Tactical Response Plan

Note: The following section is optional. Pursuant to Education Code 32281, the Governing Board may, after consulting with law enforcement officials, elect to have the district, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury.

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Public Access to Safety Plan(s)

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

(cf. 1340 - Access to District Records)

Note: The following paragraph is optional. Pursuant to Education Code 32281, the Board may choose to prohibit disclosure of those portions of the comprehensive safety plan that include tactical responses to criminal incidents.

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of ~~sex~~ discrimination
32260-32262 Interagency School Safety Demonstration Act of 1985
32270 School safety cadre
32280-32289 School safety plans
32290 Safety devices
35147 School site councils and advisory committees
35183 School dress code; uniforms
35291 Rules
35291.5 School-adopted discipline rules
35294.10-35294.15 School Safety and Violence Prevention Act

~~41510-41514 School Safety Consolidated Competitive Grant Program~~

48900-48927 Suspension and expulsion
48950 Speech and other communication
49079 Notification to teacher; student act ~~who has committed acts~~ constituting grounds for suspension or expulsion
67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article I, ~~Section 28(c) Right to Safe Schools~~

CODE OF REGULATIONS, TITLE 5

~~11992-11993 Definition, persistently dangerous schools~~

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7111-7122 Student Support and Academic Enrichment Grants

~~7101-7165 Safe and Drug-Free Schools and Communities, especially:~~

~~7114 Application for local educational agencies~~

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

~~Updated Legal Guidance: 911!—A Manual for Schools and the Media During a Campus Crisis, 2001~~

Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

Safe Our Schools:—Governing Board Strategies for Governing Boards to Ensure Student Success, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010
Providing a Safe, Nondiscriminatory ~~Combat~~ School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Violence, 1999
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Safe Schools: A Planning Guide for Action, 2002
FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS
Uniform Crime Reporting Handbook, 2004

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007
U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Threat Assessment in Schools ~~Early Warning, Timely Response:~~ A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004
Schools, August 1998
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>
California Governor's Office of Emergency Services: ~~Management Agency:~~
<http://www.caloes.ca.gov>
California Healthy Kids Survey: ~~Seismic Safety Commission:~~
<http://chks.wested.org> ~~www.seismic.ca.gov~~
Centers for Disease Control: ~~Effective Collaboration and Prevention Practice:~~
<http://www.cdc.gov/ViolencePrevention> ~~eeep.air.org~~
Federal Bureau of Investigation: <http://www.fbi.gov>
National Center Alliance for Crisis Management: ~~Safe Schools:~~
<http://www.schoolcrisisresponse.com> ~~safeschools.org~~
National School Safety Center: <http://www.schoolsafety.us>
U.S. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osdfs/index.html>
U.S. Secret Service, National Threat Assessment Center: <http://www.secretservice.gov/protection/ntac>

Policy
adopted: September 2004
considered: November 15, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

Rescue Union ESD

Administrative Regulation

Comprehensive Safety Plan

AR 0450

Philosophy, Goals, Objectives and Comprehensive Plans

Note: The following **optional** administrative regulation should be revised to reflect district practice.

Pursuant to Education Code 234.5, the California Department of Education has posted on its web site a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.

Development and Review of Comprehensive School ~~Site~~ Safety Plan

Note: The following section reflects requirements for the development of site-level comprehensive safety plans pursuant to Education Code 32280-32289 and is for use by districts that selected Option 1 in the accompanying Board policy. Districts with an average daily attendance (ADA) of 2,500 or less that selected Option 2 in the accompanying Board policy (i.e., that have developed a districtwide comprehensive safety plan applicable to all school sites in lieu of individual site plans, as authorized by Education Code 32281) should omit this section.

Pursuant to Education Code 32281, the Governing Board may elect to have district administrators, rather than the school site council, develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury; see the accompanying Board policy.

~~The school site council shall write and develop a comprehensive safety plan relevant to the needs and resources of that particular school.~~ The school site council shall consult with local law enforcement in the writing and development of the comprehensive school safety plan. When practical, the school site council also shall consult with, as well as other school site councils and safety committees, ~~when practical~~. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

~~In addition, the school site council may consult with other local agencies as appropriate, including health care and emergency service providers.~~

~~*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*~~

The school site council may delegate the responsibility for ~~writing and~~ developing a comprehensiveschool safety plan to a school safety planning committee. ~~This committee shall be~~ composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school

4. One classified employee who is a representative of the recognized classified employee organization

Note: Item #5 below may be modified to specify other groups or individuals who will be represented on the committee. For example, the committee might include representatives of social service agencies, other city or county agencies, health care and emergency service providers, community-based organizations, and/or students.

5. Other members, if desired

~~(cf. 1220 - Citizen Advisory Committees)~~

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

Before adopting ~~theits~~ comprehensive-~~school~~ safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the ~~school safety~~ plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor

2. A representative of the local school employee ~~organization~~organizations

3. A representative of each parent organization at the school-site, including the parent teacher association and parent teacher clubs

~~(cf. 1230 - School-Connected Organizations)~~

4. A representative of each teacher organization at the school-site

~~(cf. 4140/4240/4340 - Bargaining Units)~~

5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives~~A representative~~ of ~~the~~-local religious organizations~~churches~~

2. Local civic leaders

3. Local business organizations

~~(cf. 1220 - Citizen Advisory Committees)~~

~~(cf. 1700 - Relations Betweenbetween Private Industry and the Schools)~~

~~The school site council or safety planning committee may consider incorporating into the plan the following "three essential components" and/or the strategies recommended in Education Code 35294.21:-~~

- ~~1. _____ Assuring each student a safe physical environment~~
- ~~2. Assuring each student a safe, respectful, accepting and emotionally nurturing environment~~
- ~~3. _____ Providing each student resiliency skills~~

Content of the Safety Plan

~~Each comprehensive~~The districtwide and/or school site safety plan shall include an, ~~but not be limited to:~~ (Education Code 32282)

~~1.~~An assessment of the current status of any~~school~~ crime committed on campuse~~campuses~~ and at school-related functions. (Education Code 32282)

Note: The following **optional** paragraph may be revised to reflect district practice. In assessing the current status of school crime as required by Education Code 32282, districts may contract with a consultant, work with local law enforcement, develop their own local assessment, and/or use available instruments such as the California Healthy Kids Survey or the Centers for Disease Control and Prevention's Youth Risk Behavior Survey.

The assessment may include, but not be limited to, reports of crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

~~2. _____~~ Appropriate

(cf. 0510 - School Accountability Report Card)

Note: Education Code 32282 requires that the following components be included in the districtwide and/or school site safety plan. The district may expand this list to require other components at its discretion.

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including which shall include the development of all of the following: (Education Code 32282)

1a. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 -- Child Abuse Prevention and Reporting Procedures)

2b. Routine and emergency disaster procedures including, but not limited to:

- a. Adaptations, adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

Note: Education Code 32282 requires districts to incorporate earthquake emergency procedures and disaster policies into the comprehensive school safety plan, as specified in items #2b and #2c below. See BP/AR 3516 - Emergencies and Disaster Preparedness Plan and AR 3516.3 - Earthquake Emergency Procedure System for further details about required components of these procedures.

- b. An earthquake emergency procedure system in accordance with Education Code 32282

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

~~*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*~~

~~*(cf. 3516.3 - Earthquake Emergency Procedure System)*~~

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

~~*(cf. 1330 - Use of School Facilities)*~~

~~*(cf. 3516.1 - Fire Drills and Fires)*~~

~~*(cf. 3516.2 - Bomb Threats)*~~

~~*(cf. 3516.3 - Earthquake Emergency Procedure System)*~~

~~*(cf. 3516.5 - Emergency Schedules)*~~

~~*(cf. 3543 - Transportation Safety and Emergencies)*~~

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

- 3e. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

~~*(cf. 5131.7 - Weapons and Dangerous Instruments)*~~

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

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

- 4d. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

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

Note: Education Code 234.1 requires the Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and requires school personnel who witness such acts to take immediate steps to intervene when safe to do so; see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment. In addition, the district's complaint process must include a timeline for investigating and resolving complaints and an appeals process; see BP/AR 1312.3 - Uniform Complaint Procedures.

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

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

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

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

~~(cf. 5131.2 - Bullying)~~

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 5145.7 - Sexual Harassment)~~

~~(cf. 5145.9 - Hate-Motivated Behavior)~~

6

f. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

~~(cf. 5132 - Dress and Grooming)~~

7g. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

~~(cf. 5142 - Safety)~~

8

h. A safe and orderly school environment conducive to learning ~~at the school~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5137 - Positive School Climate)~~

9i. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

~~(cf. 5144 - Discipline)~~

~~j. Hate crime reporting procedures pursuant to Penal Code 628-628.6-~~

~~(cf. 5145.9 - Hate-Motivated Behavior)~~

Note: The following components are **optional** and should be revised to reflect district practice.

Among the strategies for providing a safe environment, the school safety plan may also include:—

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

~~(cf. 5138 - Conflict Resolution/Peer Mediation)~~

~~(cf. 6141.2 - Recognition of Religious Beliefs and Customs)~~

Note: Education Code 32282 and 32261 encourage, but do not require, all comprehensive safety plans to include policies and procedures aimed at the prevention of bullying, as defined in Education Code 48900(r).

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, ~~and~~ hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

~~(cf. 4118 - Suspension/Disciplinary Action)~~

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

~~(cf. 5113 - Absences and Excuses)~~

~~(cf. 5113.1 - Chronic Absence and Truancy)~~

~~(cf. 5136 - Gangs)~~

~~(cf. 5131 - Conduct)~~

~~(cf. 5145.12 - Search and Seizure)~~

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, ~~and~~ community service learning, and education related to the prevention of dating violence

~~(cf. 6142.3 - Civic~~ ~~6141.6 - Multicultural~~ Education)

~~(cf. 6142.4 - Service Learning/through~~ Community Service Classes)

~~(cf. 6142.8 - Comprehensive Health Education)~~

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

~~(cf. 1240 - Volunteer Assistance)~~

~~(cf. 5020 - Parent Rights and Responsibilities)~~

~~(cf. 6020 - Parent Involvement)~~

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

~~(cf. 5131.6 - Alcohol and Other Drugs)~~

~~(cf. 5131.61 - Drug Testing)~~

~~(cf. 5131.62 - Tobacco)~~

~~(cf. 5131.63 - Steroids)~~

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

~~(cf. 1020 - Youth Services)~~

7. District policy related~~Procedures for responding~~ to possession~~the release~~ of firearms and ammunition on school grounds

(cf. 3515.7 - Firearms on School Grounds)

8. Measures to prevent a pesticide or minimize the influence of gangs on campus

(cf. 5136 - Gangs)

Note: Education Code 32281 authorizes the principal, upon receiving verification from law enforcement, to notify parents/guardians and employees in writing that a violent crime has occurred on the school site. A "violent crime" is any act for which a student could be expelled or crimes listed in Education Code 67381, including homicide, rape, robbery, and aggravated assault, as defined in the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. Education Code 32281 encourages that the notice be sent no later than the second work day after receiving verification from law enforcement.

20 USC 7912 requires that all students attending a "persistently dangerous" school be provided notice of the designation and an option to transfer to a different school within the district. See BP/AR 5116.1 - Intradistrict Open Enrollment.

~~(cf. 3514.1 - Hazardous Substances)~~

~~(cf. 3514.2 - Integrated Pest Management)~~

98. Procedures for receiving verification from law enforcement ~~when~~that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime-

(cf. 5116.1 - Intradistrict Open Enrollment)

109. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for ~~the~~-closing of campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

~~(cf. 1250 - Visitors/Outsiders)~~

~~(cf. 3515 - Campus Security)~~

~~(cf. 3515.3 - District Police/Security Department)~~

~~(cf. 3530 - Risk Management/Insurance)~~

~~(cf. 5112.5 - Open/Closed Campus)~~

~~(cf. 5131.5 - Vandalism, ~~Theft~~ and Graffiti)~~

Note: Education Code 32282.1 does not require, but encourages, that comprehensive safety plans include the strategies described in item #11 below, to the extent the district uses the listed professionals.

11. Guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses. Guidelines may include, but are not limited to, the following:

- a. Strategies to create and maintain a positive school climate, promote school safety, and increase student achievement

- b. Strategies to prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support
- c. Protocols to address the mental health care of students who have witnessed a violent act at any time, including, but not limited to, while on school grounds, while coming or going from school, during a lunch period whether on or off campus, or during or while going to or coming from a school-sponsored activity

12. Strategies for suicide prevention and intervention

(cf. 5141.52 - Suicide Prevention)

Note: Penal Code 626.8 provides that a person may be guilty of a misdemeanor if he/she interferes with or disrupts a school activity, remains on campus after having been asked to leave, or willfully or knowingly creating a disruption with the intent to threaten the immediate physical safety of a student in preschool or grades K-8 who is arriving at, attending, or leaving school.; see BP/AR 3515.2 - Disruptions.

13. Procedures to implement when a person interferes with or disrupts a school activity, remains on campus after having been asked to leave, or creates a disruption with the intent to threaten the immediate physical safety of students or staff

(cf. 3515.2 - Disruptions)

1410. Crisis prevention and intervention strategies, which may include the following:

- a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. ~~3515.2~~ - Disruptions)

(~~cf.~~ 3515.5 - Sex Offender Notification)

(cf. 5131.4 - ~~Student~~Campus Disturbances)

- b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

- ~~cb.~~ Assignment of staff members responsible for each identified task and procedure

- ~~de.~~ Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for ~~students~~student and staff to practice the evacuation plan

- ~~ed.~~ Coordination of communication to schools, Governing Board members, parents/guardians, and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

- fe.** Development of a method for the reporting of violent incidents
- gf.** Development of follow-up procedures that may be required after ~~at~~the crisis has occurred, such as counseling

1544. Staff ~~development~~**training** in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan—

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Pursuant to Education Code 32284, the comprehensive safety plan may, at the discretion of the Board, include procedures for release of a pesticide or other toxic substance on properties located within one-quarter mile of a school. No state funds may be used for this purpose.

16. Environmental safety strategies, including, but not limited to, procedures for preventing and mitigating exposure to toxic pesticides, lead, asbestos, vehicle emissions, and other hazardous substances and contaminants

(cf. 3510 - Green School Operations)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

Regulation
approved: September 2004
considered: November 15, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

Rescue Union ESD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, ~~informal~~ resolution of complaints whenever possible and appropriate. To resolve complaints which ~~cannot be resolved through such informal~~ may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, ~~consolidated categorical aid programs,~~ after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, ~~and~~ special education programs, consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 – Before/After School Programs

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy or parental status, physical or

mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

~~(cf. 4030 - Nondiscrimination in Employment)~~

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

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

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

8. Any complaint alleging district noncompliance with the requirements of Education Code

51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

11. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy. ~~All such records shall be destroyed in accordance with applicable state law and district policy.~~

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 222 Reasonable accommodations; lactating students
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedures
- 35186 Williams uniform complaint procedures
- 48853-48853.5 Foster youth
- 48985 Notices in language other than English

49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
49490-49590 Child nutrition programs
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Policy RESCUE UNION SCHOOL DISTRICT

adopted: January 2006 Rescue, California

revised: December 11, 2012

revised: February 26, 2013

revised: December 9, 2014

revised: October 13, 2015

revised: April 12, 2016

considered: November 15, 2016

Rescue Union ESD

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful sex discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Director of Human Resources
2390 Bass Lake Road
Rescue, CA 95672
(530) 677-4461
djohnson@rescueusd.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against ~~or implicating~~ a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall

may be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those ~~involving alleged~~ alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, ~~if possible,~~ one or more interim measures. The interim measures ~~may~~ shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s) may be

posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

ef. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

eg. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

fh. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

gi. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

hj. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

ik. The appeal to the CDE must include a copy of the complaint filed with the district and a

copy of the district's decision.

j. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

Note: The following paragraph reflects recommendation by OCR to ensure equity in the resolution process of a complaint alleging unlawful discrimination and may be modified to reflect district practice.

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

All Complaints shall also be filed in accordance with the following rules, as applicable:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against

requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

~~6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)~~

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The

compliance officer shall also notify all parties of the right to end the informal process at any time.

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for

parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address

the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the ~~individual found to have engaged in the conduct that relate directly to the subject of the complaint~~ respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate ~~corrective actions that focus on~~ remedies that may be offered to the victim but not communicated to the respondent may include, but are not

limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation RESCUE UNION SCHOOL DISTRICT

approved: January 2006 Rescue, California

revised: December 11, 2012

revised: February 26, 2013

revised: December 9, 2014

revised: October 13, 2015

revised: April 12, 2016

considered: November 15, 2016

Rescue Union ESD

Board Policy

Superintendent's Contract

BP 2121

Administration

Note: The following optional policy should be modified to reflect district practice.

~~In approving employment contract should outline the framework through which the Board and contracts with the Superintendent are to work together to achieve district goals and objectives. When approving, the Governing Board wishes to encourage the Superintendent's employment contract, long term commitment to the district and community while carefully considering the Board shall consider financial and legal implications of the need for stability contract in district administration and shall ensure order to protect the best use of district resources from any potentially adverse obligations.~~

(cf. 0200 - Goals for the School District)

(cf. 2120 - Superintendent Recruitment and Selection)

(cf. 4312.1 - Contracts)

(cf. 9000 - Role of the Board)

Note: The following list of contract components is consistent with a template for Superintendent contracts developed by CSBA. The annotated template contract with additional context and suggestions is available by contacting legal@csba.org.

~~Board shall designate a representative to negotiate with the Superintendent on its behalf and The contract shall be reviewed by the district's shall consult legal counsel and may include to draft the following: contract document.~~

- ~~1. Term of The Board shall deliberate in closed session about the contract, which shall be for no more than four years pursuant to Education Code 35031~~
- ~~2. Length of the work year and hours of work~~

Note: The contract should include the salary, health and welfare benefits, and other compensation for the position, as provided in item #3 below. Federal law (26 USC 105; 42 USC 300gg-16; 26 CFR 1.105-11) prohibits favoring "highly compensated" individuals (i.e., the highest paid 25 percent of all employees, with specified exceptions) in terms of the level of benefits provided. Although implementation of this provision with respect to group health plans has been delayed until the issuance of federal regulations or guidance, it is recommended that districts prepare to comply with the expected rules. See AR 4154/4254/4354 - Health and Welfare Benefits.

- ~~3. Salary, health and welfare benefits, and other compensation for the position~~

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

(cf. 4161.5/4261.5/4361.5 - Military Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

6. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

7. Criteria, process, and procedure for annual evaluation of the Superintendent

(cf. 2140 - Evaluation of the Superintendent)

8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board

9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract

Note: Pursuant to Education Code 35031, the Governing Board must notify the Superintendent at least 45 days in advance if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation.

10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in a timely manner of the requirement to give notice

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

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her official capacity in the performance of duties related to his/her employment

Note: Pursuant to contract. (Government Code 54957, personnel matters related to the appointment or employment of an employee may be discussed in closed session under the "personnel exception." However, the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception. In San Diego Union v. City Council, a California Court of Appeal held that the "personnel exception" provided in Government Code 54957 does not extend to discussions of salary and compensation.)

Notwithstanding Government Code 54957, the Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may only meet in closed session for such purposes with a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication The Brown Act: Open Meetings for Local Legislative Bodies, also states that the "labor exception" applies to meeting in closed session to instruct its representatives concerning negotiations with prospective employees. Boards wishing to discuss the Superintendent's salary in closed session under the "labor exception" are encouraged to consult legal counsel before doing so.

In addition, pursuant to Government Code 54956, the Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas.

The following paragraph should be revised to reflect district practice.

The Board may deliberate about terms of the contract in closed session at a regular meeting. Discussions regarding the salary, salary schedule, or other compensation may occur in closed session only as permitted under Government Code 54957.6 between the Board and its designated representative(s) (the "labor exception"), for the purpose of reviewing the Board's position or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ~~take final action on~~ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262, ~~54957.6~~)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

~~The contract shall include, but not necessarily be limited to, the term of the contract, conditions for termination of the contract, salary, benefits, and commitment to an annual evaluation. The contract should also include general responsibilities and duties of the Superintendent.~~

~~*(cf. 2110 - Superintendent Responsibilities and Duties)*~~

Termination of Contract

Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. For a Superintendent contract executed prior to January 1, 2016, if the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. For a Superintendent contract executed on or after January 1, 2016, Government Code 53260, as amended by AB 215 (Ch. 240, Statutes of 2015), provides that the maximum cash settlement is the monthly salary multiplied by 12. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements.

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

~~In such an event, any cash settlement~~The Superintendent's contract shall include a provision specifying the maximum cash settlement, within limits established by law, that the Superintendent may receive upon termination of the contract shall not exceed his/her monthly salary multiplied by the number of months left on the contract or, if the unexpired term of the contract is more than 18 months and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary multiplied by 18. For any contract executed on or after January 1, 2016, any cash settlement shall not exceed the Superintendent's monthly salary multiplied by 12. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

~~*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*~~

~~The term of the contract shall be for no more than four years. (Education Code 35031)~~

~~At the end of the term, the Board may reemploy the Superintendent on those terms and conditions mutually agreed upon by the Board and Superintendent.— (Education Code 35031)~~

~~The Superintendent's contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the Superintendent's performance.~~

Note: AB 215 (Ch. 240, Statutes of 2015) amended Government Code 53260 to eliminate the option to provide a settlement equivalent to up to six months' salary when the Superintendent's contract is terminated for specified causes.

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

~~2140—Evaluation of the Superintendent)~~

~~In the event that the Board determines not to reemploy the Superintendent, the Board shall provide written notice to the Superintendent at least 45 days in advance of the expiration of the term of the contract.— (Education Code 35031)~~

Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53243-53243.4 Abuse of office

53260-53264 Employment contracts

54954 Time and place of regular meetings

54956 Special meetings

54957 Closed session personnel matters

54957.1 Closed session, public report of action taken

54957.6 Closed sessions regarding employee matters

UNITED STATES CODE, TITLE 26

105 Self-insured medical reimbursement plan; definition of highly compensated individual

UNITED STATES CODE, TITLE 42

300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals

CODE OF FEDERAL REGULATIONS

1.105-11 Self-insured medical reimbursement plan

COURT DECISIONS

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

57 Ops. Cal. Atty. Gen. 209 (1974)

Management Resources:

CSBA PUBLICATIONS

Superintendent Contract Template, 2015

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

~~Maximizing School Board Leadership: Human Resources, 1996~~

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

Office of the Attorney General, Department of Justice: <http://caag.state.ca.us/>

~~ACSA: <http://www.acsa.org>~~

Policy
adopted: September 2004
considered: November 15, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

Rescue Union ESD

Board Policy

Free And Reduced Price Meals

BP 3553

Business and Noninstructional Operations

The Governing Board recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6177 - Summer Learning Programs)

The district shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

The Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)

Schools participating in the Special Milk Program pursuant to 42 USC 1772 shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

The Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

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

(cf. 3555 - Nutrition Program Compliance)

(cf. 5145.3 - Nondiscrimination/Harassment)

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order. (Education Code 49558)

(cf. 5125 - Student Records)

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the following purposes ~~of~~:
(Education Code 49558)

1. Disaggregation of academic achievement data

(cf. 6162.51 - State Academic Achievement Tests)

2. Identification of students eligible for alternative supports ~~in~~ any school identified as a Title I program improvement school ~~pursuant to 20 USC 6316, identification of students eligible for school choice and supplemental educational services~~

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

If a student transfers from the district to another district, charter school, county office of education program, or private school, the Superintendent or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another school district, charter school, or county office of education that is serving a student living in the same household for purposes related to program eligibility and data used in local control funding formula calculations.
(Education Code 49558)

The Superintendent or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining allocations under the local control funding formula and for assessing accountability of that funding. (Education Code 49558)

The Superintendent or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals or, if included in the agreement with the local agency, for reduced-price meals. He/she also may release information on the school lunch application to the local agency that determines eligibility for CalFresh or another nutrition assistance program authorized under 7 CFR 210.1 if the student has been approved for free or reduced-price meals. Information may be released for these purposes only if the student's parent/guardian consents to the sharing of information and the district has entered into a memorandum of understanding with the local agency which, at a minimum, includes the roles and responsibilities of the district and local agency and the process for sharing the information. After sharing information with the local agency for purposes of determining eligibility for that program, no further information shall be shared unless otherwise authorized by law. (Education Code 49557.2, 49557.3, 49558)

(cf. 5141.6 - School Health Services)

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act of 1974
49547-49548.3 Comprehensive nutrition service
49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act
6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program
1771-1791 Child nutrition, especially:
1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.10-220.21 National School Breakfast Program
245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

WELFARE AND INSTITUTIONS CODE

14005.41 Basic health care

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, 2012

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

NSD SNP-12-2015 Updated Guidance on Sharing of School Meal Applications and the Passing of Assembly Bill 1599, July 2015

USDA-SNP-07-2010 Change in Free and Reduced-Price Meal Application Approval Process, September 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

Direct Certification Implementation Checklist, May 2008

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Eligibility Manual for School Meals: Determining and Verifying Eligibility, July 2015

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Policy RESCUE UNION SCHOOL DISTRICT

adopted: May 2005 Rescue, California

revised: January 2009

revised: April 12, 2016

Rescue Union ESD

Administrative Regulation

Free And Reduced Price Meals

AR 3553

Business and Noninstructional Operations

Applications

The Superintendent or designee shall ensure that the district's application form for free and reduced-price meals and related materials include the statements specified in Education Code 49557 and 7 CFR 245.5. The district's application packet shall include the notifications and information listed in Education Code 49557.2.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3552 - Summer Meal Program)

The application form and related information shall be distributed in paper form to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. (Education Code 48980, 49520; 42 USC 1758; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

In addition, the district application form for free and reduced price meals shall be available online. The online application form shall require completion of only those questions necessary for determining eligibility, contain clear instructions for families that are homeless or migrant, and comply with other requirements specified in Education Code 49557.

An application form and related information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the district attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person. (7 CFR 245.5)

Eligibility

The Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program. (Education Code 49561; 42 USC 1758)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6175 - Migrant Education Program)

Verification of Eligibility

Not later than November 15 of each year, the Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in 42 USC 1758 and 7 CFR 245.6a. (42 USC 1758; 7 CFR 245.6a)

If the review indicates that the initial eligibility determination is correct, the Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the Superintendent or designee shall: (42 USC 1758; 7 CFR 245.6a)

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file in the district the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits. Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of: (7 CFR 245.6a)

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

The Superintendent designates the following district employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students who are eligible for alternative supports in a Title I program improvement school: ~~in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:~~

Assistant Superintendent of Curriculum and Instruction
Director of Student Support Services

In using the records for such purposes, the Superintendent or designee shall ensure that:
(Education Code 49558)

1. No individual indicators of participation in the free and reduced-price meals program are maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free and reduced-price meals program is not publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law are met.

4. Information collected regarding individual students certified to participate in the free and reduced-price meals program is destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

The district's plan for students receiving free or reduced-price meals shall ensure the following:
(Education Code 49557; 42 USC 1758)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.

2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.

3. The students shall not be required to work for their meals or for milk.

4. The students shall not be required to use a separate dining area, go through a separate serving line or entrance, or consume their meals or milk at a different time.

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

(cf. 3555 - Nutrition Program Compliance)

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be 40 cents for lunch and 30 cents for breakfast. (42 USC 1758, 1773)

Regulation RESCUE UNION SCHOOL DISTRICT
approved: May 24, 2005 Rescue, California
revised: April 12, 2016

NUTRITION PROGRAM COMPLIANCE

Note: The following policy is **mandated** for any district whose child nutrition programs (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. 5 CCR 4621 **mandates** that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 - Uniform Complaint Procedures.

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, national origin, ethnic group, age, religion, marital or parental status, disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities. 7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or the U.S. Department of Agriculture, Food and Nutrition Service (FNS).

The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her on any basis prohibited by law.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 3552 - Summer Meal Program)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 5030 - Student Wellness)*

Coordinator

Note: According to the CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a civil rights coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the district's civil rights coordinator to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

NUTRITION PROGRAM COMPLIANCE (continued)

1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties

(cf. 6164.6 - Identification and Education Under Section 504)

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.
--

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below
6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have

a medical statement on file documenting that their disability restricts their diet

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

BP 3555(c)

NUTRITION PROGRAM COMPLIANCE (continued)

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

Notifications

The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, FNS requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS provides specific language for the notification and prohibits its modification in any way. The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

BP 3555(d)

NUTRITION PROGRAM COMPLIANCE (continued)

In addition, all forms of communication available to the public regarding program availability shall contain, in a prominent location, the following statement:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

BP 3555(e)

NUTRITION PROGRAM COMPLIANCE (continued)

A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609
2. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.

Legal Reference: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources: (see next page)

BP 3555(g)

NUTRITION PROGRAM COMPLIANCE (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs,
rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1,
November 2005

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

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy
adopted:
Certificated Personnel

CSBA MANUAL MAINTENANCE SERVICE
July 2016
BP 4112.2(a)

Rescue Union ESD

Board Bylaw

Closed Session Purposes And Agendas

BB 9321

Board Bylaws

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

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a

reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator

4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in 57 Ops. Cal. Atty. Gen. 209 (1974) that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication *The Brown Act: Open Meetings for Local Legislative Bodies*, also states that the "labor exception" applies to meeting in closed session to instruct its negotiator concerning negotiations with prospective employees.

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

~~For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)~~

(cf. 2121 - Superintendent's Contract)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

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

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

representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open_

session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following **optional** paragraph provides that student names shall not be included on the agenda.

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the **Governor**, Attorney General, district attorney, **district legal counsel**, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. -(Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

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

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

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

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

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the

closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

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

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

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

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the _

district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from ~~California Bureau of State Auditor's Office Audits~~

Upon receipt of a confidential final draft audit report from the ~~California Bureau of State Auditor's Office Audits~~, the Board may meet in closed session to discuss its response to that report. –After public release of the report from the ~~California Bureau of State Auditor's Office Audits~~, any Board meeting to discuss the report must

be conducted in open session, unless exempted from that requirement by some other provision of law. –(Government Code 54956.75)

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

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

COURT DECISIONS

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

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41
San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)
86 Ops.Cal.Atty.Gen. 210 (2003)
78 Ops.Cal.Atty.Gen. 218 (1995)
59 Ops.Cal.Atty.Gen. 532 (1976)
57 Ops. Cal. Atty. Gen. 209 (1974)

Management Resources:

CSBA PUBLICATIONS

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

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, ~~2003~~2002

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

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

WEB SITES

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

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

League of California Cities: <http://www.cacities.org>

Bylaw
adopted: September 2004
revised: October 9, 2012
considered: November 15, 2016

RESCUE UNION SCHOOL DISTRICT
Rescue, California

RESCUE UNION SCHOOL DISTRICT

AGENDA ITEM: Annual Organizational Meeting - Select Date and Time

BACKGROUND:

According to Education Code Section 35143, the governing board of each school district shall hold an annual organizational meeting.

STATUS:

The Education Code also provides that, unless otherwise provided by rule of the governing board, the board at its regular meeting held immediately prior to December 5 shall select the day and time of the annual meeting, and the board shall notify the County Superintendent of Schools of the day and time selected. The clerk or secretary of the board shall notify in writing, all members and members-elect of the date and time selected for the meeting.

FISCAL IMPACT:

N/A

BOARD GOAL:

N/A

RECOMMENDATION:

The Board select the regularly scheduled meeting on December 13, 2016 at 7:00 p.m. to hold the annual organizational meeting.

RESCUE UNION SCHOOL DISTRICT

**AGENDA ITEM: Nominations for California School Boards Association (CSBA)
Delegate Assembly**

BACKGROUND:

Local boards in CSBA's 21 regions will participate in the Delegate assembly elections. Those elected will serve two-year terms beginning April 1, 2017 and ending March 31, 2019. There are two required Delegate Assembly meetings each year, one in May in Sacramento and one preceding the CSBA Annual Education Conference in November/December.

STATUS:

Nominations for CSBA's Delegate Assembly will be accepted until January 7, 2017. Any CSBA member board is eligible to nominate board members within their geographical region or subregion. Each board may nominate as many individuals as it chooses. All nominees must submit a biographical sketch. An optional resume may also be submitted.

FISCAL IMPACT:

N/A

BOARD GOALS:

CSBA's Delegate Assembly is a vital link in the association's governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association reflects the interests of school districts and county offices of education throughout the state.

RECOMMENDATION:

Consider nominations for CSBA Delegate Assembly



DEADLINE: Saturday, January 7, 2017
BOARD ACTION REQUIRED
Please deliver to all governing board members.

October 24, 2016

MEMORANDUM

To: All Board Presidents, Superintendents of CSBA Member Boards of Education

From: Chris Ungar, President

Re: Call for Nominations for CSBA Delegate Assembly

Each year, member boards elect representatives from 21 geographic regions to CSBA's Delegate Assembly. The Delegate Assembly is a vital link in the association's governance and sets the general policy direction for the association. Working with local districts, county offices, the Board of Directors, and Executive Committee, Delegates ensure that the association promotes the interests of school districts and county offices of education throughout the state. There are two required Delegate Assembly meetings each year. In 2017, the first meeting will be May 20-21 in Sacramento and the second one will be November 29-30 in San Diego preceding CSBA's Annual Education Conference and Trade show.

Nomination and candidate biographical sketch forms for CSBA's Delegate Assembly are now being accepted until **Saturday, January 7, 2017**. Nomination instructions are listed below:

- Any CSBA member board is eligible to nominate board members within their geographical region or subregion and may nominate as many individuals as it chooses by submitting a nomination form for each nominee.
- All nominees must serve on CSBA member boards and give their approval prior to being nominated.
- All nominees must submit a **one-page, single-sided**, candidate biographical sketch form. An optional one-page, one-sided résumé may also be submitted but cannot be substituted for the biographical sketch form.
- All nomination materials must be postmarked by the U.S.P.S., faxed or emailed no later than **Saturday, January 7**. It is the nominee's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office by this due date. Late submissions will not be accepted.
- Ballots will be mailed by Wednesday, February 1, 2017 and are due Wednesday, March 15, 2017.
- Elected Delegates serve a two-year term beginning April 1, 2017 through March 31, 2019.

The enclosed nomination materials related to the nomination process are available to download at <https://www.csba.org/About/Leadership/ElectionToCsbaOffice/ElectiontotheDelegateAssembly.aspx>. For more information about the Delegate Assembly, please contact the Executive Office or Charlyn Tuter at ctuter@csba.org or (800) 266-3382, ext. 3281. Thank you.

2016 CSBA DELEGATE ASSEMBLY ROSTER

DELEGATES (Year = term expiration; ◇ = appointed by district)

(As of October 19, 2016)

REGION 1 – 4 Delegates (4 elected)

Director: Jennifer Owen (Fort Bragg USD)

Subregion 1-A (Del Norte, Humboldt)

Annelia Hillman (Klamath-Trinity Joint USD), 2017

Lisa Ollivier (Eureka City SD), 2018

Subregion 1-B (Lake, Mendocino)

Taja Odom (Kelseyville USD), 2018

County: Frances Costello (Del Norte Cnty. & USD), 2017

REGION 2 – 4 Delegates (4 elected)

Director: Sherry Crawford (Siskiyou COE)

Subregion 2-A (Modoc, Siskiyou, Trinity)

Gregg Gunkel (Siskiyou Union HSD), 2017

Subregion 2-B (Shasta)

James (Jim) Schwerdt (Shasta Union HSD), 2017

Subregion 2-C (Lassen, Plumas)

Dwight Pierson (Plumas County & USD), 2018

County: Brenda Duchi (Siskiyou COE), 2018

REGION 3 – 8 Delegates (8 elected)

Director: A.C. (Tony) Ubalde (Vallejo City USD)

Subregion 3-A (Sonoma)

Dianna MacDonald (Cloverdale USD), 2017

Casandra Maitlen-Jones (Bennett Valley Un. SD), 2018

Subregion 3-B (Napa)

Indira Lopez (Calistoga Joint USD), 2017

Subregion 3-C (Solano)

Michele (Shelley) Dally (Vacaville USD), 2018

David Isom (Fairfield-Suisun USD), 2017

Vacant, 2017

Subregion 3-D (Marin)

Barbara (Barb) Owens (Tamalpais Union HSD), 2018

County: Herman Hernandez (Sonoma COE), 2017

REGION 4 – 8 Delegates (8 elected)

Director: Paige K. Stauss (Roseville Joint Union HSD)

Subregion 4-A (Glenn, Tehama)

Rod Thompson (Red Bluff Jt. Union HSD), 2018

Subregion 4-B (Butte)

Judith Peters (Paradise USD), 2017

Subregion 4-C (Colusa, Sutter, Yuba)

Jim Flurry (Marysville Joint USD), 2018

Sharman Kobayashi (Yuba City USD), 2017

Subregion 4-D (Nevada, Placer, Sierra)

Julann Brown (Auburn Union ESD), 2017

Trish Gerving (Nevada City SD), 2017

Renee Nash (Eureka Union SD), 2018

County: Suzanne Jones (Placer COE), 2018

REGION 5 – 10 Delegates (7 elected/3 appointed) ◇

Director: Jill Wynns (San Francisco County & USD)

Subregion 5-A (San Francisco)

Emily Murase (San Francisco County & USD) ◇, 2017

Rachel Norton (San Francisco County & USD) ◇, 2017

Shamann Walton (San Francisco County & USD) ◇, 2018

Subregion 5-B (San Mateo)

Davina Drabkin (Burlingame ESD), 2017

Carrie Du Bois (Sequoia Union HSD), 2017

Marc Friedman (San Mateo Union HSD), 2018

Alisa MacAvoy (Redwood City ESD), 2018

Kevin Martinez (San Bruno Park ESD), 2017

Kalimah Salahuddin (Jefferson Union HSD), 2018

County: Beverly Gerard (San Mateo COE), 2017

REGION 6 – 19 Delegates (12 elected/7 appointed) ◇

Director: Darrel Woo (Sacramento City USD)

Subregion 6-A (Yolo)

Susan Lovenburg (Davis Joint USD), 2018

Subregion 6-B (Sacramento)

Michael A. Baker (Twin Rivers USD) ◇, 2017

Ellen Cochrane (Sacramento City USD) ◇, 2018

Pam Costa (San Juan USD) ◇, 2017

Craig DeLuz (Robla ESD), 2018

John Gordon (Galt Joint Union ESD), 2017

Jay Hansen (Sacramento City USD) ◇, 2017

James Hendricks (Arcohe Union ESD), 2018

Susan Heredia (Natomas USD), 2017

Lisa Kaplan (Natomas USD), 2017

Lucinda Luttgén (San Juan USD) ◇, 2018

Crystal Martinez-Alire (Elk Grove USD) ◇, 2017

Michael McKibbin (San Juan USD), 2017

Edward Short (Folsom-Cordova USD), 2017

Bobbie Singh-Allen (Elk Grove USD) ◇, 2018

Vacant, 2018

Subregion 6-C (Alpine, El Dorado, Mono)

Misty DiVittorio (Placerville Union ESD), 2018

Suzanna George (Rescue Union ESD), 2017

County: Greg Geeting (Sacramento COE), 2018

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 7 – 20 Delegates (15 elected/5 appointed) ◇
Director: Anne White (Livermore Valley USD)

Subregion 7-A (Contra Costa)

Elizabeth Block (West Contra Costa USD) ◇, 2018
Laura Canciamilla (Pittsburg USD), 2018
Christine Deane (Contra Costa COE), 2017
Madeline Kronenberg (West Contra Costa USD), 2017
Linda K. Mayo (Mt. Diablo USD) ◇, 2017
Kathi McLaughlin (Martinez USD), 2018
Yolanda C. Pena Mendrek (Liberty Union HSD), 2017
Raymond Valverde (Liberty Union HSD), 2018

Subregion 7-B (Alameda)

Valerie Arkin (Pleasanton USD), 2018
Desrie Campbell (Fremont USD), 2018
Ann Crosbie (Fremont USD) ◇, 2017
Jamie Hintzke (Pleasanton USD), 2018
Philip Hu (Alameda USD), 2017
Beatriz Leyva-Cutler (Berkeley USD), 2017
Jody London (Oakland USD) ◇, 2017
William McGee (Hayward USD), 2017
Amy Miller (Dublin USD), 2018
Diana J. Prola (San Leandro USD), 2017
Rosie Torres (Oakland USD) ◇, 2018
County: Aisha Knowles (Alameda COE), 2017

REGION 8 – 14 Delegates (12 elected/2 appointed) ◇
Director: Matthew Balzarini (Lammersville Joint USD)

Subregion 8-A (San Joaquin)

Gloria J. Allen (Stockton USD) ◇, 2018
Sam Fant (Manteca USD), 2018
Kathleen Garcia (Stockton USD) ◇, 2017
Ron Heberle (Lodi USD), 2017
Kathy Howe (Manteca USD), 2018
George Neely (Lodi USD), 2017
Jenny Van De Pol (Lincoln USD), 2018

Subregion 8-B (Amador, Calaveras, Tuolumne)

Zerrall McDaniel (Calaveras USD), 2017

Subregion 8-C (Stanislaus)

Faye Lane (Ceres USD), 2018
Cynthia Lindsey (Sylvan Union ESD), 2017
Vacant, 2017

Subregion 8-D (Merced)

Adam Cox (Merced City ESD), 2017
Greg Opinski (Merced Union HSD), 2018
County: Vacant, 2018

REGION 9 – 8 Delegates (8 elected)
Director: Tami Gunther (Atascadero USD)

Subregion 9-A (San Benito, Santa Cruz)

Phil Rodriguez (Soquel Union ESD), 2018
Deborah Tracy-Proulx (Santa Cruz City Schools), 2018
George Wylie (San Lorenzo Valley USD), 2017

Subregion 9-B (Monterey)

Lila Cann (Salinas Union HSD), 2017
Rita Patel (Carmel USD), 2018

Subregion 9-C (San Luis Obispo)

Mark Buchman (San Luis Coastal USD), 2018
Vicki Meagher (Lucia Mar USD), 2017
County: Sergio Alejo (Monterey COE), 2017

REGION 10 – 15 Delegates (11 elected/4 appointed) ◇
Director: Susan Markarian (Pacific Union ESD)

Subregion 10-A (Madera, Mariposa)

Barbara Bigelow (Chawanakee USD), 2017

Subregion 10-B (Fresno)

Daniel Babshoff (Kerman USD), 2017
Cynthia (Cyndi) Berube (Central USD), 2018
Darrell Carter (Washington USD), 2018
Gilbert F. Coelho (Firebaugh-Las Deltas USD), 2018
Valerie F. Davis (Fresno USD) ◇, 2017
Brian D. Heryford (Clovis USD) ◇, 2017
James Karle (Sanger USD), 2017

Marcia (Marcy) Masumoto (Sanger USD), 2017

Carol Mills (Fresno USD) ◇, 2018
Betsy J. Sandoval (Clovis USD) ◇, 2018
Norman Saude (Sierra USD), 2018
Kathy Spate (Caruthers USD), 2017

Subregion 10-C (Kings)

Karen Frey (Corcoran Joint USD), 2018
County: Barbara Thomas (Fresno COE), 2018

REGION 11 – 9 Delegates (9 elected)
Director: Suzanne Kitchens (Pleasant Valley SD)

Subregion 11-A (Santa Barbara)

Jack C. Garvin (Santa Maria Joint Union HSD), 2018
S. Monique Limon (Santa Barbara USD), 2017

Subregion 11-B (Ventura County and Las Virgenes USD)

John Andersen (Conejo Valley USD), 2018
Greg Barker (Moorpark USD), 2018
Rob Collins (Simi Valley USD), 2018
Vianey Lopez (Hueneme ESD), 2018
Christina Urias (Santa Paul USD), 2017
John Walker (Ventura USD), 2017

County: Mark Lisagor (Ventura COE), 2017

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 12 – 13 Delegates (11 elected/2 appointed) ♦

Director: Bill Farris (Sierra Sands USD)

Subregion 12-A (Tulare)

Peter Lara, Jr. (Porterville USD), 2018
Cathy Mederos (Tulare Joint Union HSD), 2017
Dean Sutton (Exeter USD), 2017
Lucia Vazquez (Visalia USD), 2018

Subregion 12-B (Kern)

Pam Baugher (Bakersfield City SD), 2017
Jeff Flores (Kern Union HSD) ♦, 2017
Tim Johnson (Sierra Sands USD), 2017
Phillip Peters (Kern Union HSD) ♦, 2018
Elizabeth Naty Santana-Garibaldo (Lamont ESD), 2017
Scott Starkey (Southern Kern USD), 2018
Wesley Thomas (Kernville Union ESD), 2018
Vacant, 2017

County: Donald P. Cowan (Kern COE), 2018

REGION 15 – 27 Delegates (18 elected/9 appointed) ♦

Director: Meg Cutuli (Los Alamitos USD)

County: Orange

Ginny Aitkens (Saddleback Valley USD) ♦, 2017
Valerie Amezcua (Santa Ana USD) ♦, 2018
Dana Black (Newport-Mesa USD), 2018
Lauren Brooks (Irvine USD), 2018
Bonnie Castrey (Huntington Beach Union HSD), 2017
Gina Clayton-Tarvin (Ocean View SD), 2017
Jeff Cole (Anaheim ESD), 2017
Ian Collins (Fountain Valley ESD), 2017
Debbie Cotton (Ocean View SD), 2017
Lynn Davis (Tustin USD), 2018
Judy Franco (Newport-Mesa USD), 2018
Karin Freeman (Placentia-Yorba Linda USD), 2017
Bob Harden (Garden Grove USD) ♦, 2017
Gila Jones (Capistrano USD) ♦, 2018
Candice (Candi) Kern (Cypress ESD), 2018
Martha McNicholas (Capistrano USD) ♦, 2018
Lan Q. Nguyen (Garden Grove USD) ♦, 2018
Annemarie Randle-Trejo (Anaheim Union HSD) ♦, 2018
Rob Richardson (Santa Ana USD) ♦, 2017
Rosemary Saylor (Huntington Beach City ESD), 2018
Francine Scinto (Tustin USD), 2018
Michael Simons (Huntington Beach Union HSD), 2018
Robert A. Singer (Fullerton Joint Union HSD), 2017
Suzie R. Swartz (Saddleback Valley USD), 2017
Sharon Wallin (Irvine USD) ♦, 2018
Dolores Winchell (Saddleback Valley ESD), 2017

County: John W. Bedell (Orange COE), 2017

REGION 16 – 20 Delegate (15 elected/5 appointed) ♦

Director: Karen Gray (Silver Valley USD)

Subregion 16-A (Inyo)

Susan Patton (Lone Pine USD), 2017

Subregion 16-B (San Bernardino)

Jesse Armendarez (Fontana USD) ♦, 2018
Christina Cameron-Otero (Needles USD), 2017
Niccole Childs (Hesperia USD), 2018
Lorena Corona (Fontana USD) ♦, 2017
Tom Courtney (Lucerne Valley USD), 2017
Barbara J. Dew (Victor Valley Union HSD), 2018
Barbara Flores (San Bernardino City USD) ♦, 2018
Cathline Fort (Etiwanda ESD), 2018
Margaret Hill (San Bernardino City USD) ♦, 2017
Sylvia Orozco (Chino Valley USD) ♦, 2017
Caryn Payzant (Alta Loma ESD), 2018
Barbara Schneider (Helendale SD), 2018
Jane D. Smith (Yucaipa-Calimesa Joint USD), 2018
Wilson So (Apple Valley USD), 2017
Eric Swanson (Hesperia USD), 2017
Kathy A. Thompson (Central ESD), 2017
Charles Uhalley (Chaffey Joint Union HSD), 2017
Donna West (Redlands USD), 2018

County: Mark A. Sumpter (San Bernardino COE), 2018

REGION 17 – 24 Delegates (18 elected/6 appointed) ♦

Director: Carol Skiljan (Encinitas Union ESD)

County: San Diego

Elvia Aguilar (South Bay Union SD), 2018
Barbara Avalos (National SD), 2018
Kevin Beiser (San Diego USD) ♦, 2017
Brian Clapper (National SD), 2018
Katie Dexter (Lemon Grove SD), 2018
Twila Godley (Lakeside Union SD), 2017
Adrienne Hakes (Oceanside USD), 2018
Beth Hergesheimer (San Dieguito Union HSD), 2017
Elizabeth Jaka (Vista USD), 2018
Claudine Jones (Carlsbad USD), 2018
Michael McQuary (San Diego USD) ♦, 2018
Janet W. Mulder (Jamul-Dulzura Union ESD), 2017
Tamara Otero (Cajon Valley Union SD), 2017
Dawn Perfect (Ramona USD), 2017
Eduardo Reyes (Chula Vista ESD), 2018
Barbara Ryan (Santee SD), 2017
Debra Schade (Solana Beach ESD), 2018
Priscilla Schreiber (Grossmont Union HSD), 2017
Nicholas Segura (Sweetwater Union HSD) ♦, 2018
Charles Sellers (Poway USD) ♦, 2017
Arturo Solis (Sweetwater Union HSD) ♦, 2017
Marla Strich (Encinitas Union ESD), 2018
Sharon Whitehurst-Payne (San Diego USD) ♦, 2017

County: Mark C. Anderson (San Diego COE), 2017

2016 CSBA DELEGATE ASSEMBLY ROSTER

REGION 18 – 21 Delegates (16 elected/5 appointed) ◇

Director: Jerry Bowman (Menifee Union ESD)

Subregion 18-A (Riverside)

Bruce N. Dennis (Riverside COE), 2017
 Kenneth Dickson (Murrieta Valley USD), 2017
 Tom Elliott (Perris ESD), 2018
 Tom Hunt (Riverside USD) ◇, 2017
 Ben Johnson, II (Alvord USD), 2018
 Cleveland Johnson (Moreno Valley USD) ◇, 2017
 Wendy Jonathan (Desert Sands USD), 2018
 Marla Kirkland (Val Verde USD), 2018
 Susan Lara (Beaumont USD), 2018
 Patricia Lock-Dawson (Riverside USD) ◇, 2018
 Memo Mendez (Jurupa USD), 2017
 Bill Newberry (Corona-Norco USD) ◇, 2017
 John I. Norman (San Jacinto USD), 2017
 David Allen Pulsipher (Temecula Valley USD), 2017
 Cathy L. Sciortino (Corona-Norco USD) ◇, 2018
 Susan Scott (Lake Elsinore USD), 2018
 Sandra Tusant (Romoland ESD), 2017

Subregion 18-B (Imperial)

Ralph Fernandez (Brawley Union HSD), 2017
 Diahna Garcia-Ruiz (Heber ESD), 2017
 Gloria Santillan (Brawley ESD), 2018
County: Susan Manger (Imperial COE), 2018

REGION 20 – 12 Delegates (11 elected/1 appointed) ◇

Director: Albert Gonzalez (Santa Clara USD)

County: Santa Clara

Robert Benevento (Morgan Hill USD), 2018
 Frank Biehl (East Side Union HSD), 2018
 Cynthia Chang (Los Gatos-Saratoga Jt. Union HSD), 2018
 Danielle Cohen (Campbell Union SD), 2017
 Pamela Foley (San Jose USD) ◇, 2017
 Anjali Kausar (Cupertino Union SD), 2017
 Bonnie Mace (Evergreen ESD), 2017
 Joe Mitchner (Mountain View-Los Altos Un. HSD), 2018
 Reid Myers (Sunnyvale SD), 2017
 Andres Quintero (Alum Rock Union ESD), 2017
 George Sanchez (Franklin-McKinley ESD), 2017
County: Rosemary Kamei (Santa Clara COE), 2018

REGION 21 – 7 Delegates (7 appointed) ◇

Director: George McKenna (Los Angeles USD)

County: Los Angeles

Monica Garcia (Los Angeles USD) ◇, 2017
 Monica Ratliff (Los Angeles USD) ◇, 2017
 Ref Rodriguez (Los Angeles USD) ◇, 2020
 Scott Schmerelson (Los Angeles USD) ◇, 2020
 Richard Vladovic (Los Angeles USD) ◇, 2020
 Steven Zimmer (Los Angeles USD) ◇, 2017
County: Douglas Boyd (Los Angeles COE) ◇, 2018

REGION 22 – 6 Delegates (6 elected)

Director: Victor Torres (Castaic Union SD)

Los Angeles County: North Los Angeles

John K. Curiel (Westside Union ESD), 2017
 Steven DeMarzio (Westside Union ESD), 2018
 R. Michael Dutton (Keppel Union ESD), 2017
 Keith Giles (Lancaster ESD), 2018
 Nancy Smith (Palmdale ESD), 2018
 Steven M. Sturgeon (William S. Hart Union HSD), 2017

REGION 23 – 16 Delegates (13 elected/3 Appointed) ◇

Director: Xilonin Cruz-Gonzalez (Azusa USD)

Los Angeles County: San Gabriel Valley & East Los Angeles Subregion 23-A

Adele Andrade-Stadler (Alhambra USD), 2017
 Kenneth Bell (Duarte USD), 2017
 Bob Bruesch (Garvey ESD), 2018
 Gregory Krikorian (Glendale USD), 2018
 Gary Scott (San Gabriel USD), 2018

Subregion 23-B

Benjamin Cardenas (Montebello USD) ◇, 2017
 Anthony Duarte (Hacienda La Puente USD), 2018
 Helen Hall (Walnut Valley USD), 2017
 Gino (J.D.) Kwok (Hacienda La Puente USD) ◇, 2018
 Vacant, 2017

Subregion 23-C

Steven Llanusa (Claremont USD), 2018
 Christina Lucero (Baldwin Park USD), 2017
 Eileen Miranda Jimenez (West Covina USD), 2017
 Roberta Perlman (Pomona USD) ◇, 2017
 Camie Poulos (West Covina USD), 2018
 Paul Solano (Bassett USD), 2018

REGION 24 – 16 Delegates (14 elected/2 Appointed) ◇

Director: Donald E. LaPlante (Downey USD)

Los Angeles County: Southwest Crescent

Darryl Adams (Norwalk-La Mirada USD), 2017
 Micah Ali (Compton USD), 2017
 Leighton Anderson (Whittier Union HSD), 2018
 Jan Baird (South Whittier ESD), 2017
 Paul Gardiner (East Whittier City ESD), 2018
 Margie Garrett (Compton USD), 2018
 Vivian Hansen (Paramount USD), 2017
 Megan Kerr (Long Beach USD) ◇, 2017
 Eugene Krank (Hawthorne SD), 2018
 Jose Lara (El Rancho USD), 2017
 Sylvia V. Macias (South Whittier ESD), 2018
 John McGinnis (Long Beach USD) ◇, 2018
 Karen Morrison (Norwalk-La Mirada USD), 2018
 Ann M. Phillips (Lawndale ESD), 2018
 Margarita Rios (Norwalk-La Mirada USD), 2018
 Ana Valencia (Norwalk-La Mirada USD), 2017



Delegate Assembly Nomination Form

DUE: Saturday, January 7, 2017

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

CSBA Region/subregion # _____

The Board of Education of the _____ wishes to
(Nominating District)

nominate _____ . The nominee is a member of the
(Nominee)

_____, which is a member of the California
(Nominee's District)

School Boards Association.

- The nominee has consented to this nomination.
- Attached is the nominee's required one-page, single-sided, candidate biographical sketch form and optional one-page, single-sided résumé.
- The nominee's required one-page, single-sided, candidate biographical sketch form and optional one-page, single-sided résumé will be sent by Saturday, January 7, 2017.

Board Clerk or Board Secretary (signed)

Date

Board Clerk or Board Secretary (printed)

PLEASE NOTE: The nomination and candidate biographical sketch forms may be emailed to nominations@csba.org, faxed to (916) 371-3407 or mailed to CSBA, Attn: Executive Office, 3251 Beacon Blvd., West Sacramento, CA 95691, postmarked by the U.S.P.S. no later than **Saturday, January 7, 2017**. *It is the nominee's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office by the due date. Late submissions cannot be accepted.* If you have any questions, please contact the Executive Office at (800) 266-3382 or Charlyn Tuter at ctuter@csba.org. Thank you.