

SIERRA SANDS UNIFIED SCHOOL DISTRICT

**Board of Education
Regular Meeting**

**JULY 16, 2015
Ridgecrest City Council Chambers
100 West California Avenue
www.ssusdschools.org**

We, the members of the Board of Education of the Sierra Sands Unified School District, are committed to providing the highest quality education in a safe environment to all K-12 students. We believe the school shares with the family, church, and community the responsibility for developing life-long learners who are responsible, productive citizens.

A G E N D A

CALL TO ORDER AND PLEDGE TO THE FLAG

7:00 P.M.

Amy Castillo-Covert
Bill Farris, President
Tim Johnson
Kurt Rockwell
Michael Scott, Vice President/Clerk

Ernest M. Bell, Jr., Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA

Welcome to a meeting of the Board of Education. Because we believe you share our concern for the education of the youth of our community, we appreciate and welcome your participation. Copies of the agenda, along with a procedural handout, are available on the wall at the back of the room to assist with your participation in the meeting.

2. APPROVAL OF MINUTES of the special and regular meetings of June 18, 2015.

3. PROGRAMS AND PRESENTATIONS

4. PUBLIC HEARING

5. REPORTS AND COMMUNICATIONS

5.1 Reports from Members of the Board

5.2 Superintendent's Report

- Board Self-Evaluation Date

- Website Changes
- Beginning of Year Activities

5.3 Report to the Board of Trustees by the Desert Area Teachers Association

5.4 Communications from the public

The board will provide time during the discussion of each agenda item for members of the public to comment. At this time, members of the public may address the board on an item not on the agenda. Comments should relate to items of public interest within the board's jurisdiction. The law prohibits the board from taking action on items not on the agenda. If appropriate, your comments will be referred to staff for response. When addressing the board, please state your name and address at the podium and limit your remarks to three minutes. In accordance with the board bylaws, the board will limit the total time for public input to 30 minutes. Those wishing to address the board beyond the 30-minute time limit may do so at the end of the scheduled meeting agenda.

6. EDUCATIONAL ADMINISTRATION

6.1 Approval of Revisions to English Language Development (ELD) Courses for Grades 6-12

7. POLICY DEVELOPMENT AND REVIEW

7.1 Approval of Revisions to Board Policy 5131.2, Bullying

7.2 Approval of Revisions to Board Policy 5145.3, Nondiscrimination/Harassment-Students and Addition of Administrative Regulation 5145.3, Nondiscrimination/Harassment-Students

7.3 Approval of Revisions to Board Policy 5145.7, Sexual Harassment-Students

7.4 Revisions to Administrative Regulation 4121, Temporary/Substitute Personnel

7.5 Presentation of Board Policy 4121, Temporary/Substitute Personnel

8. PERSONNEL ADMINISTRATION

8.1 Certificated

Employment, resignation, retirement, leave of absence, change of status, termination

8.2 Classified

Employment, resignation, retirement, leave of absence, change of status, termination

8.3 Approval to Increase the Certificated Substitute Employee Hourly Pay

9. GENERAL ADMINISTRATION

9.1 Authorization for Board Member Travel

9.2 Appointment of Student Member to the Board of Education for the 2015-16 School Year Fall Semester

9.3 Report to the Board: Nature and Resolution of Complaints with Regard to Deficiencies Related to Instructional Materials, Emergency or Urgent Facilities Conditions that Pose a Threat to the Health and Safety of Pupils or Staff, Teacher Vacancy or Misassignment, and Provision of Intensive Instruction and Services to Students Who Did Not

Pass the California High School Exit Examination (CAHSEE) by the End of Grade 12,
as Required by the Williams Act

10. CONSTRUCTION ADMINISTRATION

- 10.1 Report to the Board: Construction Activities and Issues
- 10.2 Approval to Enter into a Second Amendment of Agreement with IBI Group Related to Soil Remediation Measures and Food Service Revisions for the New Murray Middle School
- 10.3 Approval to Negotiate a Contract for Proposition 39 Energy Conservation and Clean Energy Consultant Services

11. BUSINESS ADMINISTRATION

12. CONSENT CALENDAR

- 12.1 “A”&“B” Warrants
- 12.2 Approval to Declare the Property Value of One Vehicle and Allow for the Sale of the Vehicle to an Auto Recycling Center as Surplus Property
- 12.3 Approval of Contract with Esther Sires to Serve as WorkAbility I Director for the 2015-16 School Year

13. FUTURE AGENDA

14. ADJOURNMENT

The next regular meeting of the Board of Education will be August 20, 2015.

Any materials required by law to be made available to the public prior to a meeting of the Board of Education of the Sierra Sands Unified School District can be inspected during normal business hours at the district office located at 113 Felspar, Ridgecrest, CA. These materials can also be viewed on the district's internet website at www.ssusdschools.org.

Note: Individuals who require special accommodation, including but not limited to an American Sign Language interpreter, accessible seating, or documentation in accessible formats, should contact the Superintendent's Office at least two days before the meeting date.

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Minutes of the Regular Meeting of the Board of Education

DATE OF MEETING: June 18, 2015
TIME OF MEETING: 7:00 p.m.
PLACE OF MEETING: Ridgecrest City Council Chambers
MEMBERS PRESENT: Castillo-Covert, Farris, Johnson, Scott
MEMBERS ABSENT: Rockwell
STAFF PRESENT: Ernest M. Bell, Jr., Superintendent

PLEDGE OF ALLEGIANCE was recited in unison, led by Board Member Michael Scott.

MOMENT OF SILENCE was observed.

1. ADOPTION OF AGENDA

The agenda was adopted by consensus as posted noting the Inyo-Kern Schools Financing Authority Agenda will be heard following Item 11.3.

2. APPROVAL OF MINUTES

Hearing no comments, the minutes of the special meeting of June 11, 2015 and the special, concurrent, and regular meetings of May 21, 2015 were adopted by consensus as written.

3. PROGRAMS AND PRESENTATIONS

4. PUBLIC HEARING

4.1 Public Hearing for the Proposed Local Control Accountability Plan (LCAP)

Public hearing opened at 7:04 p.m. for the proposed Local Control Accountability Plan (LCAP). Hearing no comments the public hearing closed at 7:05 p.m.

4.2 Public Hearing for the Sierra Sands Unified School District Budget for Fiscal Year 2015-16

Public hearing opened at 7:06 p.m. for the SSUSD district budget for fiscal year 2015-16. Hearing no comments the public hearing closed at 7:07 p.m.

4.3 Public Hearing Statement of Reasons for Assigned and Unassigned Fund Balances for Fiscal Year 2015-16

Public hearing opened at 7:09 p.m. for the Statement of Reasons for assigned and unassigned

fund balances for fiscal year 2015-16. Hearing no comments the public hearing closed at 7:10 p.m.

4.4 Public Hearing for Initial Sunshine Contract Proposal for 2015-16 from the Board of Education to Chapter 188 of the California School Employees Association

Public hearing opened at 7:11 p.m. for the initial sunshine contract proposal for 2015-16 from the Board of Education to Chapter 188 of the California School Employees Association. Hearing no comments the public hearing closed at 7:12 p.m.

5. REPORTS AND COMMUNICATIONS

5.1 Student Member's Report

5.2 Reports from Members of the Board

Board Member Tim Johnson thanked district staff for their diligence in preparing the Sierra Sands LCAP and budget.

5.3 Superintendent's Report

Mr. Bell reported the district is up by 61 students from this time last year. The Sierra Sands summer school program has 250 students enrolled this year. He reported the superintendent's evaluation will take place at a special board meeting on July 13, 2015 and the board self-evaluation will take place at a special board meeting on July 20, 2015.

5.4 Report to the Board of Trustees by the Desert Area Teachers Association

Barb Walls, President of the Desert Area Teachers Association, reported that CTA feels SB111 sounds promising for school districts. She announced a seminar that will be conducted in August by a NEA trainer targeting certificated personnel loan forgiveness and qualifying school districts. Additionally, there will be a CTA STRS retirement and investment training in Ridgecrest soon.

5.5 Communications from the public

6. EDUCATIONAL ADMINISTRATION

6.1 Adoption of Countywide Plan for Providing Educational Services for Expelled Students

Motion passed to adopt the Countywide Plan as presented. JOHNSON/SCOTT

AYES: Castillo-Covert, Farris, Johnson, Scott

ABSENT: Rockwell

6.2 Approval of the Consolidated Application for Funding Categorical Programs, Part I, 2015-16 School Year

Motion passed to approve the Consolidated Application as presented.
SCOTT/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

6.3 Approval of Local Education Agency Plan (LEAP)

Motion passed to approve the Local Education Agency Plan.
CASTILLO-COVERT/JOHNSON

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

6.4 Approval of Chemistry and Honors Chemistry Courses at Burroughs High School

Motion passed to approve Chemistry and Honors Chemistry courses at Burroughs High School.
JOHNSON/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

7. POLICY DEVELOPMENT AND REVIEW

8. PERSONNEL ADMINISTRATION

8.1 Certificated

Employment, resignation, retirement, leave of absence, change of status, termination

8.2 Classified

Employment, resignation, retirement, leave of absence, change of status, termination

Motion passed to approve Items 8.1 and 8.2 as presented.
SCOTT/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

9. GENERAL ADMINISTRATION

9.1 Gifts to the District

Motion passed to accept the following gifts: Mr. Terrance Thompson donated a 2002 Chrysler Concorde with an estimated cash value of \$2,000 to the Burroughs High School Auto Shop, Ms. Arlene Allen donated a 1989 Toyota Camry with an estimated cash value of \$1,200 to the Burroughs High School Auto Shop, Ms. Rebekah Howard made a cash donation of \$55 to the Murray Middle School student Knott's Berry Farm trip and Ms. Teri Cleveland made a cash donation of \$245 to the Murray Middle School student Magic Mountain trip, Knott's Berry Farm trip, and yearbook fund. The following made cash donations to the Murray Middle School student Magic Mountain trip: Ms. Cynthia Lopez, \$50; Ms. Lynda Kelley, \$50; Ms. Gina Wheeler, \$50; Ms. Amber Garfield, \$50; Ms. Kate Champeny, \$50; Ms. Nicole Leighton, \$50; Ms. Lynne Hetherton, \$50; Mr. Anthony Barnes, \$50; Ms. Robin Zurn, \$50; Ms. Lisa Harper, \$100. SCOTT/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

9.2 Authorization for Board Member Travel to the California School Boards Association (CSBA) Annual Education Conference and Delegate Assembly Meeting

Following review, motion passed to approve board member travel as presented.
SCOTT/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

9.3 Approval of the Academic Calendar for 2016-17

Motion passed to approve the 2016-17 academic calendar as presented.
SCOTT/JOHNSON

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

10. CONSTRUCTION ADMINISTRATION

10.1 Report to the Board: Construction Activities and Issues

Mrs. Christina Giraldo, Assistant Superintendent of Business Services, introduced Mr. Steve Hubbard, Project Manager with Maas Company, who gave an update to the board on the Capital Projects taking place within the district.

Burroughs High School project: Value engineering continues in an effort to bring the project into budget. The Office of Economic Adjustment may be willing to assist us with regard to the budget. Bi-monthly meetings with DSA have been scheduled in order to expedite resolution of project issues as they occur. Commencement for construction remains late September 2015.

Murray Middle School project: Plan review is in process. Value engineering is ongoing. The Removal Action Workplan for soil remediation is in review at DTSA with preparation for required public participation underway.

HVAC remediation projects: There is nothing new to report.

10.2 Approval to Enter into Amendments to Agreements with ProWest PCM, Inc. for the New Murray Middle School and Burroughs High School Modernization DoD Projects.

Motion passed to approve amendments to agreements with ProWest PCM, Inc. as presented.
CASTILLO-COVERT/JOHNSON

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

10.3 Adoption of Resolution #30 1415 Request for Prequalification of Contractors

Motion passed to adoption Resolution #30 1415 Request for Prequalification of Contractors.
JOHNSON/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

11. BUSINESS ADMINISTRATION

11.1 Approval of Resolution #29 1415 and Disclosure Regarding the Planned Use of Cash
Provided by the Education Protection Account

Motion passed to adopt Resolution #29 1415 and disclosure as presented.
JOHNSON/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

11.2 Approval of Contract for Services with Capitol Advisors Group, LLC

Motion passed to approve the contract with Capitol Advisors Group, LLC as presented.
SCOTT/JOHNSON

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

11.3 Approval of Professional Services Agreement with the Law Firm of Fagen Friedman &
Fulfroft, LLP

Motion passed to approve the agreement with Fagen Friedman & Fulfroft, LLP as presented.
CASTILLO-COVERT/SCOTT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

President Farris temporarily adjourned the Sierra Sands Unified School District board meeting at 7:55 p.m. and opened the meeting of the board of directors of the Inyo-Kern Schools Financing Authority.

The Sierra Sands Unified School District Board of Education Meeting was reopened at 7:57 p.m.

12. CONSENT CALENDAR

12.1 "A" & "B" Warrants

12.2 Approval of Preschool Self-Evaluation Annual Report for the 2014-15 School Year

12.3 Approval of Child Care Contract and Adoption of Resolution #1 1516 for State Preschool
Programs for 2015-16

Motion passed to adopt the consent calendar as presented. SCOTT/CASTILLO-COVERT

AYES: Castillo-Covert, Farris, Johnson, Scott
ABSENT: Rockwell

13. FUTURE AGENDA

14. ADJOURNMENT was at 7:59 p.m.

THE BOARD OF EDUCATION

Michael Scott, Vice President/Clerk

Ernest M. Bell, Jr., Secretary to Board

recorder: Diane Naslund

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Minutes of the Special Meeting of the Board of Education

DATE OF MEETING: June 18, 2015
TIME OF MEETING: 6:00 p.m.
PLACE OF MEETING: Ridgecrest City Council Chambers
MEMBERS PRESENT: Castillo-Covert, Farris, Johnson, Scott
MEMBERS ABSENT: Rockwell
STAFF PRESENT: Ernest M. Bell, Jr., Superintendent

MOMENT OF SILENCE was observed.

1. ADOPTION OF AGENDA

The agenda was adopted by consensus.

2. CLOSED SESSION

- 2.1 The board met in closed session with the superintendent to discuss one case of public employee discipline/dismissal/release.

No action was taken.

- 2.2 Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b): One potential case.

No action was taken.

- 2.3 The board met in closed session with the superintendent to discuss negotiations with all three bargaining units.

No action was taken.

3. ADJOURNMENT

THE BOARD OF EDUCATION

Michael Scott, Vice President/Clerk

Ernest M. Bell, Jr., Secretary to the Board

6. EDUCATIONAL ADMINISTRATION

6.1 Approval of Revisions to English Language Development (ELD) Courses for Grades 6-12

BACKGROUND INFORMATION: English Language Arts Common Core State Standards were approved in 2010. California English Language Development (ELD) standards were approved in 2012. For the first time, two sets of interrelated standards are being included in the new ELA/ELD framework. In the new ELA/ELD framework, California recognizes that ELs in transitional kindergarten through grade twelve have a double curricular load: they must become proficient in academic English, and they must learn the same rigorous academic content required of all students in California. Because they are learning English as an additional language, ELs require specialized instructional support to ensure that they simultaneously develop academic English and have full access to a rich curriculum across the disciplines. Therefore, ELs are given excellent first teaching in the core content with integrated specialized support (integrated ELD) to ensure full access to the content and are also provided with designated instruction (designated ELD) in addition to core instruction to ensure that their linguistic and academic needs are fully met.

CURRENT CONSIDERATIONS: In order to align to both sets of Common Core State Standards, staff has revised its courses for English learner students, grades 6-12, to support proficiency in grade level standards in the core curricula. Emphasis will be placed on grade level content area literacy, vocabulary, English Language Development, and state assessment preparation.

FINANCIAL IMPLICATIONS: Costs associated with English Language Development courses are provided for using LCFF supplemental funding and this targeted support is included in the LCAP actions and services for English learners.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board approve implementation of revised English Learner Development courses for grades 6-12 as presented.

Sierra Sands Unified School District
Course Outline

Site: Monroe and Murray Middle Schools

Department: English

Course Title: Content Area Literacy: Grades 6-8
ALAS (Academic Language Achievement Strategies)

Purpose/Goals:

- To improve the academic language, reading, and writing skills of middle school students across the content areas
- To develop students' reading comprehension strategies, vocabulary, and meta-cognitive strategies for reading informational text (non-fiction)
- To provide instruction in writing that prepares ELs to attain proficiency on the CAHSEE and CAASPP assessments
- To provide Integrated ELD instruction to enrolled ELs using grade-level ELD Standards aligned to Common Core State Standards focusing on Expanding and Bridging levels (Links to grade level standards provided below)
 - [Grade 6 ELD Standards](#)
 - [Grade 7 ELD Standards](#)
 - [Grade 8 ELD Standards](#)

Recommended Prerequisites:

One of the following criteria:

- Demonstrating less than proficiency on the CAASPP and/or district common assessments
- Overall English Proficiency identified as Intermediate or Early Advanced (otherwise known as Expanding and Bridging English Proficiency)
- A grade point average indicating a performance level below proficiency in the core curriculum

Grade/Level(s): Grades 6-8

A-G Requirement: No

Type of Course: Elective

Course Length: Semester (may be repeated for credit)

Assessment/Evaluation: Formative and common assessments and CELDT

Adopted Textbook(s)/Materials: Currently adopted core materials

Supplemental Texts/Materials:

- Cengage Learning Inside Reading, Writing & Language Level B, *Hampton Brown*, 2014
- Common Core Standards Plus, Grades 6 - 8, *Learning Plus Associates*, 2015

Board Approval: July 16, 2015

Revised:

Sierra Sands Unified School District
Course Outline

Site: Monroe and Murray Middle Schools

Department: English

Course Title: English Language Development (ELD) 1 and 2

Purpose/Goals:

- To follow the grade-level ELA Common Core Standards aligned to ELD Standards focusing on Emerging and Expanding levels
- To provide Integrated and Designated English Language Development instruction that motivates students with relevant, readable texts and strategic skills
- To develop foundational skills of ELs in response to diagnostic assessments
- To provide instruction in writing that prepares ELs to attain proficiency on the CAHSEE and CAASPP assessments. Links to grade level standards provided below)
 - [Grade 6 ELD Standards](#)
 - [Grade 7 ELD Standards](#)
 - [Grade 8 ELD Standards](#)

Grade/Level(s): Grades 6-8

Recommended Prerequisites:

- Overall English proficiency identified as Beginner or Early Intermediate. This proficiency level is otherwise referred to as Emerging English Proficiency.
- Overall English proficiency identified as Intermediate with sub scores of Beginner or Early Intermediate in the areas of or reading, writing, listening and speaking. This proficiency level is also referred to as Expanding English Proficiency.

A-G Requirement: No

Type of Course: Elective

Course Length: Two semesters; may be repeated for credit

Assessment/Evaluation: Formative and common assessments and CELDT

Adopted Textbook(s)/Materials:

- Current adopted grade-level text(s)

Supplemental Texts/Materials:

- Cengage Learning Edge Reading, Writing & Language Level A, *Hampton Brown*, 2014
- Prentice Hall *Writing and Grammar: Communication in Action* High Point Level A, B, and C

Board Approved: July 16, 2015

Revised:

Sierra Sands Unified School District
Course Outline

Site: Burroughs and Mesquite High Schools

Department: English

Course Title: English Language Development (ELD) 3-5

Purpose/Goals:

- To provide designated ELD instruction using California ELD Standards to develop the critical language skills, knowledge, and abilities that ELs need for content learning in English.
- To develop the discourse practices, grammatical structures, and vocabulary necessary for successful participation in academic tasks across the content areas with a strong emphasis in oral language development as well as reading and writing.
- To develop foundational skills of ELs in response to diagnostic assessments.
- To follow the grade-level ELD Standards aligned to Common Core State Standards focusing on Emerging and Expanding levels (Links to grade level standards provided below).
 - [9 and 10 ELD Standards](#)
 - [11 and 12 ELD Standards](#)

Grade/Level(s): Grades 9-12

Recommended Prerequisites:

- English Learners who have not yet attained English proficiency and/or have a GPA of 2.9 or below.
- English Learners who are considered to be near or below grade level standards as determined by both the grade level benchmark in ELA and performance on the ELA SBAC.

A-G Requirement: No

Type of Course: Elective

Course Length: One year; may repeat for credit

Assessment/Evaluation: Formative and common assessments, CELDT

Adopted Textbook(s)/Materials:

- Current adopted grade level text(s)

Supplemental Texts/Materials:

- Cengage Learning Edge Reading, Writing & Language Level B, *Hampton Brown*, 2014

Board Approval: July 16, 2015

Revised:

Sierra Sands Unified School District
Course Outline

Site: Burroughs and Mesquite High Schools

Department: English

Course Title: English Language Development (ELD) - Language Arts 1 and 2

Purpose/Goals:

- To follow the grade-level ELA Common Core Standards aligned to ELD Standards focusing on Emerging and Expanding levels (Links to grade level standards provided below)
 - [Grade 9 and 10 ELD Standards](#)
 - [Grade 11 and 12 ELD Standards](#)
- To provide Integrated and Designated English Language Development instruction that motivates students with relevant, readable texts and strategic skills
- To develop foundational skills of ELs in response to diagnostic assessments
- To provide instruction in writing that prepares ELs to attain proficiency on the CAHSEE and CAASPP assessments

Grade/Level(s): Grades 9 - 12

Recommended Prerequisites:

- Overall English proficiency identified as Beginner or Early Intermediate. This proficiency level is otherwise referred to as Emerging English Proficiency.
- Overall English proficiency identified as Intermediate with sub scores of Beginner or Early Intermediate in the areas of or reading, writing, listening and speaking. This proficiency level is also referred to as Expanding English Proficiency.

A-G Requirement: No

Type of Course: English

Course Length: Two semesters; may be repeated for credit

Assessment/Evaluation: Formative and common assessments and CELDT

Adopted Textbook(s)/Materials:

- Current adopted grade-level text(s)

Supplemental Texts/Materials:

- Cengage Learning Edge Reading, Writing & Language Level A, *Hampton Brown*, 2014

- Prentice Hall *Writing and Grammar: Communication in Action*
High Point Level A, B, and C

Board Approved: July 16, 2015

Revised:

7. POLICY DEVELOPMENT AND REVIEW

7.1 Approval of Revisions to Board Policy 5131.2, Bullying

BACKGROUND INFORMATION: The Assistant Superintendent of Human Resources has reviewed selected board policies and administrative regulations as a result of recommendations for revisions from the California School Boards Association (CSBA) policy service. All proposed policy and administrative regulation revisions reflect recent changes in applicable state and/or federal laws and regulations.

CURRENT CONSIDERATIONS: Board Policy (BP) 5131.2, Bullying has been reviewed and needs updating. The proposed policy is updated and revised to reflect legal requirements and recent changes in regulatory guidance. One of the primary changes involves a reporting requirement for those who witness actual instances of bullying. Procedures are clearly outlined and identified according to recommendations by CSBA.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that Board Policy 5131.2, Bullying be approved as presented.

Bullying

BP 5131.2 (a)

Students

The Sierra Sands Unified School District recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying

BP 5131.2 (b)

Students

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf. 5137 - Positive School Climate)

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History - Social Science Instruction)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law

Bullying

BP 5131.2 (c)

Students

enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Complaints and Investigation

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

~~Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.~~

(cf. 1312.3 - Uniform Complaint Procedures)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. ***Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3.*** In addition, any school employee who observes an incident of bullying involving a student shall, ***within one business day***, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Bullying

BP 5131.2 (d)

Students

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

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

Legal Reference:

Bullying

BP 5131.2 (e)

Students

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying

BP 5131.2 (f)

Students

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

Common Sense Media: <http://www.common sense media.org>

National School Safety Center: <http://www.schoolsafety.us>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

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

Policy

adopted: ~~December 11, 2014~~ **July 16, 2015**

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Ridgecrest, California

7. POLICY DEVELOPMENT AND REVIEW

7.2 Approval of Revisions to Board Policy 5145.3, Nondiscrimination/Harassment – Students and Addition of Administrative Regulation 5145.3, Nondiscrimination/Harassment-Students

BACKGROUND INFORMATION: The Assistant Superintendent of Human Resources has reviewed selected board policies and administrative regulations as a result of recommendations for revisions from the California School Boards Association (CSBA) policy service. All proposed policy and administrative regulation revisions reflect recent changes in applicable state and/or federal laws and regulations.

CURRENT CONSIDERATIONS: Board Policy (BP) 5145.3 Nondiscrimination/Harassment-Students has been reviewed and needs updating. The proposed board policy is updated and revised to reflect legal requirements and recent changes in regulatory guidance. Administrative Regulation (AR) 5145.3 Nondiscrimination/Harassment-Students is mandated and has not previously been reviewed by the board. Procedures are clearly outlined and identified according to recommendations by CSBA.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: Approve revisions to Board Policy 5145.3 Nondiscrimination/Harassment-Students as presented. Administrative Regulation 5145.3 Nondiscrimination/Harassment-Students is presented for information only.

Students

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, *discriminatory* harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. The Superintendent or designee shall provide training and

Students

information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs

Students

51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

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

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

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Students

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

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

Policy

SIERRA SANDS UNIFIED SCHOOL DISTRICT

adopted: ~~December 11, 2014~~ **July 16, 2015**

Ridgecrest, California

Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

*Assistant Superintendent of Human Resources
113 W. Felspar Ave.
Ridgecrest, CA 93555
760-499-1620
compliance@ssusd.org*

*(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)*

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

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

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and

Students

resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. *Annually notify all students and parents/guardians of the district's nondiscrimination policy which will be placed in the annual Rights and Responsibilities Handbook for Parents and Students. This part of the policy is to inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. This part of the policy shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.*

(cf. 5145.6 - Parental Notifications)

4. *The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.*

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 nondiscrimination 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 information for parents/guardians with limited English proficiency.

5. *Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.*

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Students

6. *At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)*

7. *At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.*

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. *Removing vulgar or offending graffiti*

(cf. 5131.5 - Vandalism and Graffiti)

2. *Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond*

3. *Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination*

4. *Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community*

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

(cf. 5125 - Student Records)

5. *Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true*

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Students

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally

Students

associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

- 1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity*
- 2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex*
- 3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming*
- 4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex*
- 5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information*
- 6. Use of gender-specific slurs*

Students

7. *Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression*

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. *Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.*

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. *Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the*

Students

student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

Students

(cf. 7110 - Facilities Master Plan)

5. Student Records: *A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.*

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: *If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.*

7. Uniforms/Dress Code: *A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.*

(cf. 5132 - Dress Code)

Regulation
approved: July 16, 2015

SIERRA SANDS UNIFIED SCHOOL DISTRICT
Ridgecrest, California

7. POLICY DEVELOPMENT AND REVIEW

7.3 Approval of Revisions to Board Policy 5145.7, Sexual Harassment-Students

BACKGROUND INFORMATION: The Assistant Superintendent of Human Resources has reviewed selected board policies and administrative regulations as a result of recommendations for revisions from the California School Boards Association (CSBA) policy service. All proposed policy and administrative regulation revisions reflect recent changes in applicable state and/or federal laws and regulations.

CURRENT CONSIDERATIONS: Board Policy (BP) 5145.7, Sexual Harassment-Students has been reviewed and needs updating. The proposed policy is updated and revised to reflect legal requirements and recent changes in regulatory guidance. Procedures are clearly outlined and identified according to recommendations by CSBA.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: Approve revisions to Board Policy 5145.7, Sexual Harassment-Students as presented.

Students

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

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any

Students

circumstance

3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Measures

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment

Students

to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

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, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Sexual Harassment

BP 5145.7(d)

Students

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

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

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

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

WEB SITES

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

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

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

Policy

adopted: ~~December 11, 2014~~ *July 16, 2015*

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Ridgecrest, California

7. POLICY DEVELOPMENT AND REVIEW

7.4 Revisions to Administrative Regulation 4121, Temporary/Substitute Personnel

BACKGROUND INFORMATION: The Assistant Superintendent of Human Resources has reviewed selected board policies and administrative regulations as a result of recommendations for revisions from the California School Boards Association (CSBA) policy service. All proposed policy and administrative regulation revisions reflect recent changes in applicable state and/or federal laws and regulations.

CURRENT CONSIDERATIONS: Administrative Regulation 4121, Temporary/Substitute Personnel has been updated and revised to reflect legal requirements and recent changes in regulatory guidance. The most prominent change includes AB 1522, which provides “Sick Leave for All.” This bill enacts the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked; and which authorizes the employer to limit an employee’s use of paid sick days to 24 hours or 3 days in each year of employment. Procedures are clearly outlined and identified according to recommendations by CSBA.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT’S RECOMMENDATION: Administrative Regulation 4121 Temporary/Substitute Personnel is presented as information only and does not require any board action.

Personnel

Qualifications

Any candidate recommended by the Superintendent or designee for a substitute or temporary position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

(cf. 4112.2 - Certification)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

The district shall not initially hire a certificated person on a substitute or temporary basis in a capacity designated in his/her credential unless he/she has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

A noncredentialed person shall not substitute for any special education certificated position. The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56060, 56063)

Notifications

At the time of initial employment during each school year, each new temporary employee shall receive a written statement indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

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

Time of initial employment means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether he/she elects or declines membership. Election of membership shall be irrevocable for all future employment to

Personnel

perform creditable service. (Education Code 22455.5, 22515)

Assignments

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days he/she may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. An inappropriately credentialed substitute teacher shall not serve as a substitute for a special education teacher for a period of more than 20 cumulative school days for each special education teacher absent during each school year. The district may apply to the Superintendent of Public Instruction for an extension of 20 school days, or for a longer period in extraordinary circumstances. (Education Code 56060-56062)

Hiring

~~Substitute personnel may be employed on an on-call, day-to-day basis.~~

~~In addition, after September 1 of any school year, the Governing Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)~~

Classification

~~The Board may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service. (Education Code 44917)~~

~~The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employees even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long term illness. (Education Code 44920)~~

~~The Board also shall classify as temporary employees those certificated persons, other than~~

Personnel

~~substitute employees, who are employed to:—~~

~~1. — Serve from day to day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term (Education Code 44919)~~

~~2. — Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term—(Education Code 44919)~~

~~3. — Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district—(Education Code 44919)~~

~~(cf. 4127/4227/4327—Temporary Athletic Team Coaches)~~

~~4. — Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)~~

~~5. — Are employed only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)~~

~~At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such.—(Education Code 44915, 44916)~~

~~Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary.—This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed.—(Education Code 44916)~~

~~Time of initial employment means before the employee starts work.—(Kavanaugh v. West Sonoma County Union High School District)~~

~~The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.~~

~~(cf. 4113—Assignment)~~

~~(cf. 4115—Evaluation/Supervision)~~

~~(cf. 4131—Staff Development)~~

Personnel

Qualifications

~~Any person employed on a substitute or temporary basis in a position requiring certification- qualifications shall possess the appropriate credential or permit authorizing his/her employment in such positions and shall meet all other requirements of law for certificated positions.~~

~~(cf. 4111.2/4211.2/4311.2— Legal Status Requirement)~~

~~(cf. 4112.2— Certification)~~

~~(cf. 4112.3/4212.3/4312.3 Oath or Affirmation)~~

~~(cf. 4112.4/4212.4/4312.4— Health Examinations)~~

~~(cf. 4112.5/4312.5— Criminal Record Check)~~

~~Any persons employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. —(Education Code 44830)~~

Qualifications for Special Education

~~A noncredentialed person shall not substitute for any special education certificated position— (Education Code 56060)~~

~~A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. —Upon application by the district, the Superintendent of Public Instruction may approve an extension of 20 school days. —In extraordinary circumstances the district may seek an extension beyond the initial 20 school days.— (Education Code 56061)~~

~~In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. —(Education Code 56062)~~

~~The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. — He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. —(Education Code 56063)~~

Salary/Benefits

Personnel

~~The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district.— (Education Code 44977, 45030)~~

~~Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.~~

Granting Probationary Status

~~Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.— (Education Code 44918)~~

~~(cf. 4116—Probationary/Permanent Status)~~

~~A temporary employees hired to teach temporary classes or perform other certificated duties not expected to last more than the first three months of any semester, or to teach special day and evening classes for adults or in schools for migratory populations for the first four months of a semester, shall be classified as a probationary employees if the duties continue beyond the time limits.— (Education Code 44919)~~

~~A temporary employee hired to teach only the first semester due to anticipated midyear high school graduations shall be classified as a probationary employee for the entire school year if the employment continues beyond the first semester.— (Education Code 44921)~~

Release from Employment/Dismissal

~~The Board may dismiss a substitute employee at any time at its discretion.— (Education Code 44953)~~

~~The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained.— After serving during one school year 75 percent of the number of days the regular schools of the district are maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year.— (Education Code 44954)~~

Reemployment Rights

Personnel

~~With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served during one school year at least 75 percent of the number of days the regular schools of the district were maintained and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)~~

~~With the exception of on-call, day-to-day substitutes, a temporary or substitute employees who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)~~

~~A person employed for only the first semester because of anticipated midyear high school graduations shall be reemployed to fill any vacant positions in the district for which the employee is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)~~

Legal Reference:**EDUCATION CODE**

~~44252.5 State basic skills assessment required for certificated personnel~~

~~44300 Emergency teaching or specialist permits~~

~~44830 Employment of certificated persons; requirements of proficiency in basic skills~~

~~44839.5 Employment of retirant~~

~~44846 Criteria for reemployment preferences~~

~~44914 Substitute and probationary employment computation for classification as permanent employee~~

~~44915 Classification of probationary employees~~

~~44916 Time of classification; statement of employment status~~

~~44917 Classification of substitute employees~~

~~44918 Substitute or temporary employee deemed probationary employee; reemployment rights~~

~~44919 Classification of temporary employees~~

~~44920 Employment of certain temporary employees; classifications~~

~~44921 Employment of temporary employees; reemployment rights (unified and high school districts)~~

~~44953 Dismissal of substitute employees~~

~~44954 Release of temporary employees~~

~~44956 Rights of laid-off permanent employees to substitute positions~~

~~44957 Rights of laid-off probationary employees to substitute positions~~

~~44977 Salary schedule for substitute employees~~

Temporary/Substitute Personnel

AR 4121(g)

Personnel

~~45030 Substitutes~~

~~45041 Computation of salary~~

~~45042 Alternative method of computation for less than one school year~~

~~45043 Compensation for employment beginning in the second semester~~

~~56060-56063 Substitute teachers in special education~~

~~CODE OF REGULATIONS, TITLE 5~~

~~5502 Filing of notice of physical examination for employment of retired person~~

~~5503 Physical examination for employment of retired persons~~

~~COURT DECISIONS~~

~~Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911~~

~~Management Resources:~~

~~WEB SITES~~

~~CTC: <http://www.etc.ca.gov>~~

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

Regulation

approved: ~~October 14, 2004~~ *July 16, 2015*

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Ridgecrest, California

7. POLICY DEVELOPMENT AND REVIEW

7.5 Presentation of Board Policy 4121, Temporary/Substitute Personnel

BACKGROUND INFORMATION: The Assistant Superintendent of Human Resources has reviewed selected board policies and administrative regulations as a result of recommendations for revisions from the California School Boards Association (CSBA) policy service. All proposed policy and administrative regulation revisions reflect recent changes in applicable state and/or federal laws and regulations.

CURRENT CONSIDERATIONS: Currently our district does not have a board policy for temporary/substitute personnel only an administrative regulation. The proposed policy is to reflect legal requirements and recent changes in regulatory guidance which includes AB 1522, which provides “Sick Leave for All.” This bill enacts the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked; and which authorizes the employer to limit an employee’s use of paid sick days to 24 hours or 3 days in each year of employment. Procedures are clearly outlined and identified according to recommendations by CSBA.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT’S RECOMMENDATION: This is the first reading of Board Policy 4121 Temporary/Substitute Personnel and will be presented to the board for approval at the July 20, 2015 special board meeting.

Personnel

The Governing Board recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 - Certification)

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 - Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14/4317.14 - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine

Personnel

the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)

2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)

(cf. 6175 - Migrant Education Program)

(cf. 6200 - Adult Education)

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s)

Personnel

for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

Paid Sick Leave

Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

- 1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5*
- 2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking*

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

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained during one school year. After serving 75 percent of the number of days that district schools are

Personnel

maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

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

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

(cf. 4116 - Probationary/Permanent Status)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant positions in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a

Personnel

departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Legal Reference:

EDUCATION CODE

22455.5 Provision of retirement plan information to potential members

22515 Irrevocable election to join retirement plan

37200 School calendar

44252.5 State basic skills assessment required for certificated personnel

44300 Emergency teaching or specialist permits

44830 Employment of certificated persons; requirements of proficiency in basic skills

44839.5 Employment of retirant

44845 Date of employment

44846 Criteria for reemployment preferences

44909 Employees providing services through categorically funded programs

44914 Substitute and probationary employment computation for classification as permanent employee

44915 Classification of probationary employees

44916 Time of classification; statement of employment status

44917 Classification of substitute employees

44918 Substitute or temporary employee deemed probationary employee; reemployment rights

44919 Classification of temporary employees

44920 Employment of certain temporary employees; classifications

44921 Employment of temporary employees; reemployment rights (unified and high school districts)

44953 Dismissal of substitute employees

44954 Release of temporary employees

44955 Layoff of permanent and probationary employees

44956 Rights of laid-off permanent employees to substitute positions

44957 Rights of laid-off probationary employees to substitute positions

44977 Salary schedule for substitute employees

45030 Substitutes

45041 Computation of salary

45042 Alternative method of computation for less than one school year

45043 Compensation for employment beginning in the second semester

56060-56063 Substitute teachers in special education

GOVERNMENT CODE

3540.1 Educational Employment Relations Act, definitions

LABOR CODE

Personnel

220 Sections inapplicable to public employees

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person

5503 Physical examination for employment of retired persons

5590 Temporary athletic team coach

80025-80025.5 Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Management Resources:

WEB SITES

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Policy

adopted: July 20, 2015

SIERRA SANDS UNIFIED SCHOOL DISTRICT

Ridgecrest, California

8. PERSONNEL ADMINISTRATION

8.1 CERTIFICATED PERSONNEL

8.11 RESIGNATION, TERMINATION*, SEPARATION**, RETIREMENT***

8.12 LEAVE OF ABSENCE

8.13 EMPLOYMENT

8.14 CHANGE OF STATUS

RECOMMENDED ACTION: To approve certificated personnel actions as presented.

8.2 CLASSIFIED PERSONNEL

8.21 RESIGNATION, TERMINATION*, SEPARATION**, RETIREMENT***

8.22 LEAVE OF ABSENCE

8.23 EMPLOYMENT

8.24 CHANGE OF STATUS

RECOMMENDED ACTION: To approve classified personnel actions as presented.

8. PERSONNEL ADMINISTRATION

8.1 CERTIFICATED PERSONNEL

8.11 RESIGNATION, TERMINATION*, SEPARATION**, RETIREMENT***

Nicole Leighton
Assistant Principal – Murray
Effective 6-30-15

Timothy Leighton
Science – Burroughs
Effective 6-30-15

Lewis Marquez
SDC – Richmond
Effective 6-25-15

Koreen Myers
English – James Monroe
Effective 6-30-15

Sharlene Paxton
Projects – Curriculum
Effective 6-30-15

8.12 LEAVE OF ABSENCE

8.13 EMPLOYMENT

8.14 CHANGE OF STATUS

Michelle Savko
From: Coordinator of Pupil Support Services
To: Coordinator of Educational Technology, Assessment, and Categorical
Programs
Effective 7-1-15

8. PERSONNEL ADMINISTRATION

8.2 CLASSIFIED PERSONNEL

8.21 RESIGNATION, TERMINATION*, SEPARATION**, RETIREMENT***

LeAnn Moell
1.58 hr. Noon Duty Supervisor – Las Flores
And ½ hr. Crossing Guard – Las Flores
And ¼ hr. a.m. Noon Duty Supervisor – Las Flores
Effective 6-30-15

Carrie Newton*
5 ½ hr. Paraprofessional – Richmond
And
2 hr. Paraprofessional – Pierce
Effective 7-1-15

Joseph Powell
5 ½ hr. Paraprofessional – Burroughs
6-29-15

Darren Swafford*
8 hr. Custodian - Gateway
6-15-15

8.22 LEAVE OF ABSENCE

8.23 EMPLOYMENT

Emma Cleveland
5 ½ hr. Paraprofessional – Murray
Effective 8-12-15

Amy Howe
5 ½ hr. Paraprofessional – SELPA/Richmond
Effective 8-12-15

Melissa Westbrook
5 ½ hr. Paraprofessional – Gateway
Effective 8-12-15

8. PERSONNEL ADMINISTRATION

8.2 CLASSIFIED PERSONNEL

8.23 EMPLOYMENT (Continued)

Classified Substitutes for the 2015-2016 School Year

Chris Matthews

Christina Reichers

Tammy Thomas

8.24 CHANGE OF STATUS

Brianna Groves

From: 5 ½ hr. Paraprofessional – James Monroe

To: 5 ½ hr. Paraprofessional – Burroughs

Effective 8-12-15

Charles Novascone

From: 5 ½ hr. Paraprofessional – Richmond

To: 5 ½ hr. Paraprofessional – Murray

Effective 8-12-15

Russ Smith

From: Duplicating Technician/Repair Technician – Business Office

To: Duplicating Technician/Repair Technician – Technology

Effective 7-1-15

Kelli Stewart

From: 5 ½ hr. Paraprofessional – Richmond

To: 5 ½ hr. Paraprofessional – Murray

Effective 8-12-15

8. PERSONNEL ADMINISTRATION

8.3 Approval to Increase the Certificated Substitute Employee Hourly Pay

BACKGROUND INFORMATION: There are approximately 50 school districts in Kern County, with 8 of these districts organized as unified school districts. Sierra Sands USD is one of 8 unified school districts in Kern County. The average (mean) daily substitute rate for all unified school districts in Kern County is \$109.38. The average (mean) long term substitute rate for all unified school districts in Kern County is \$136.17. Currently the Sierra Sands USD daily substitute rate is \$100.00, and the long term substitute rate is \$120.00.

Currently, our district does not offer a different long term substitute rate for SSUSD retirees. Given the expertise that comes with retaining the occasional service of retirees for long term substitute assignments, it is desirable to offer a higher compensation rate in exchange for a higher level of experience.

CURRENT CONSIDERATIONS: It is desirable from a strategic perspective that our substitute rates more closely approach the Kern County mean for unified school districts. As the Indian Wells Valley's largest school district employer, our competitive edge is that we offer many more substitute assignments than any other school district in our area. As a result, qualified substitutes are motivated to work for us due to the quantity of job assignments upon which they can count. Nevertheless, an attempt to stay close to the County average for compensation for long term desirability as an employer is beneficial. This adjustment to the pay rate is appropriate, especially given the fact that no adjustments have been made in several years.

It is proposed that the following new rates be approved:

- Regular Substitute hourly rate from \$16.67/hr. to **\$18/hr. (new daily rate \$108)**
- Long Term Substitute hourly rate from \$20/hr. to **\$22/hr. (new daily rate \$132)**
- Long Term Substitute hourly rate for SSUSD retirees to **\$30/hr. (daily rate \$180)**

FINANCIAL IMPLICATIONS: The district paid approximately 21,640 hours of sub time last year. At \$16.67/hr. that is \$360,738. At \$18/hr. that is \$389,520. The difference in cost is \$28,782. But, considering a small percentage of those hours would be long term, and there could be a long term assignment with the new retiree rate, the projected difference in annual cost is an approximate range between **\$35,000** and **\$50,000**.

SUPERINTENDENT'S RECOMMENDATION: Approve the increase to the certificated substitute employee hourly pay as presented.

9. GENERAL ADMINISTRATION

9.1 Authorization for Board Member Travel

BACKGROUND INFORMATION: At the May 7, 2009 board meeting, protocol requiring the board to authorize all board member travel was established. The 2015-16 travel budget for the board was approved for \$18,700.00.

CURRENT CONSIDERATIONS: Ms. Amy Castillo-Covert, as the board's designated representative for NAFIS activities, is requesting authorization to travel to Washington, D.C. on September 26 – September 30, 2015 to attend the NAFIS Fall Conference. Cost of travel is estimated as follows:

Conference registration	\$ 500.00
Air Fare	\$ 403.20
Hotel (4 nights @ 342.36 inc. tax)	\$1,369.42
Meals (4 days @ \$50 per day)	\$ 200.00
Miscellaneous	\$ 100.00

Estimated total cost of travel	\$2,572.62
--------------------------------	------------

FINANCIAL IMPLICATIONS: The travel budget for the board for 2015-16 is \$18,700. To date, no money has been spent; however, approximately \$7,645.10 has been estimated for the annual CSBA conference.

SUPERINTENDENT'S RECOMMENDATION: In accordance with the board's adopted protocol, it is recommended that the board review the proposed travel and determine if it wishes to authorize this travel activity.

9. GENERAL ADMINISTRATION

9.2 Appointment of Student Member to the Board of Education for the 2015-16 School Year Fall Semester

BACKGROUND INFORMATION: In accordance with board policy, candidates have been solicited to serve as student members of the Board of Education for the 2015-16 school year. Student Naya Taylor is being presented tonight for recommendation for the fall semester.

CURRENT CONSIDERATIONS: Naya Taylor is a junior at Burroughs High School. In addition to taking Honors classes, Naya is the ASB Commissioner of Communications, the co-president of the Friends of Rachel Club, and a member of the Key Club. She enjoys volunteering and searches for opportunities to become involved.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the Board of Education appoint Naya Taylor as student member to the board for the 2015-16 school year fall semester.

9. GENERAL ADMINISTRATION

- 9.3 Report to the Board: Nature and Resolution of Complaints with Regard to Deficiencies Related to Instructional Materials, Emergency or Urgent Facilities Conditions that Pose a Threat to the Health and Safety of Pupils or Staff, Teacher Vacancy or Misassignment, and Provision of Intensive Instruction and Services to Students Who Did Not Pass the California High School Exit Examination (CAHSEE) by the End of Grade 12, as Required by the Williams Act
-

BACKGROUND INFORMATION: California Education Code 35186 specifies that a school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

This procedure is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a certificated teacher is not assigned to teach the class.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

CURRENT CONSIDERATIONS: There have been no complaints filed with the school district between April 1, 2015 and June 30, 2015 in any of the designated areas.

FINANCIAL CONSIDERATION: None.

SUPERINTENDENT'S RECOMMENDATION: This report is for informational purposes only. A copy of this report will be forwarded to the Kern County Superintendent of Schools as required by state law.

10. CONSTRUCTION ADMINISTRATION

10.1 Report to the Board: Construction Activities and Issues

BACKGROUND INFORMATION: The purpose of this item is to keep the board, administration, and especially the community informed as to the progress of the district's construction efforts.

CURRENT CONSIDERATIONS: Design, documentation activity, and planning continue at several sites. Mr. Steve Hubbard, Project Manager with Maas Co., will update the board and community on these activities.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: This item is presented for informational purposes and no action is required.



Capital Projects Report

to the

Board of Trustees of the

Sierra Sands Unified School District

July 16, 2015

BURROUGHS HIGH SCHOOL

PROJECT STATUS REPORT

· Address	500 E. French Ave. Ridgecrest, CA 93555
· Project Manager	Maas Steve Hubbard
· Architect	RBB Architects Los Angeles, CA
· Construction Manager	ProWest PCM



Fast Facts

Complete renovation of the permanent instructional spaces throughout the campus along with the addition of a new Administration Building to reorient the front of the campus to the southwest and a new Concessions/Restroom Building adjacent to the existing stadium. Work will include refurbishment of all finishes, replacement of all existing HVAC and lighting systems, site paving improvements, a new and enlarged student parking lot, and modern audio visual and technology infrastructure.

- Total Project Budget \$31,909,274
- Project Square Footage (GSF) 178,202 SF
- Funding Source 80% DOD, 20% District Funds
- Construction Mobilization..... November 2015 (Previously September 2015; DSA review delay)
- Targeted Completion 06/30/17 (Originally 12/31/15; Grant Agreement Amended)

Sustainable Features

Meets requirements of the National Environmental Policy Act

BURROUGHS HIGH SCHOOL

PROJECT STATUS REPORT

DSA REVIEW PHASE

Fast Financial Facts

- Total Project Budget (TPB). \$31,909,274
- Construction Budget @70% of TPB. \$22,336,491
- Reserve for Soft Costs/Fees @ 30% TPB. . . . \$ 9,572,782
- Encumbrances To Date. \$ 5,927,117
- Percent Complete of Project Cost 18.5%
- Percent Complete of Construction 0%

Project Update

- Corrections and revisions for quality control, cost savings measures and DSA comments complete; construction documents submitted to DSA for review on 6-17-15.
- Student Parking Lot and Admin Building continue in redesign as part of the process to bring project into budget.
- First Bi-monthly Meeting with DSA scheduled for 7-14-15 in order to expedite resolution of project issues as they occur.
- Schedule for Commencement of Construction now anticipated to be early November 2015, pending DSA review schedule.
- Execution of HVAC work in PAC to be scheduled for Summer 2016.
- Draft of Construction Activities Sequencing Plan presented to District and in review.

BURROUGHS HIGH SCHOOL

SCHEDULE: 12 MONTH

•DSA Back-check Submittal	06-16-15* (Prior 06-09-15)
•DSA Plan Check Duration –8 weeks	08-07-15** (Prior 07-30-15)
•Bid Advertisements (twice)	09-16-15 and 09-23-15** (Prior 07-13-15 and 07-20-15)
•Bidding Period	09-16-15 to 10-14-15** (Prior 07-13-15 to 08-28-15)
•Bid Notices of Intent	10-14-15** (Prior 09-08-15)
•Board Approval of Awards (Special)	11-02-15** (prior 09-10-15)
•Notices to Proceed	11-03-15** (Prior 09-11-15)
•Submittal Review	11-11-15 thru 11-28-15** (Prior 09-11-15)
•Construction Start (Mobilization)	11-03-15** (Prior 09-30-15)

* Actual

**Estimate based on further DSA delays anticipated

MURRAY MIDDLE SCHOOL

PROJECT STATUS REPORT

DSA REVIEW PHASE

• Address	200 E. Drummond Ave. Ridgecrest, CA 93555
• Project Manager	Maas Steve Hubbard
• Architect	IBI Group Bakersfield, CA
• Construction Manager	ProWest PCM



Fast Facts

New construction of a complete middle school campus to house the students from the existing Murray Middle School including Classroom Buildings, Music and Art Building, Library, Gymnasium, Multi-purpose Room and Administration Building, along with playing fields and a central campus courtyard.

- Total Project Budget \$39,542,838
- Project Square Footage (GSF) 65,425 SF (originally 93,000 SF)
- Funding Source 80% DOD, 20% District Funds
- Construction Mobilization..... September 2015 (originally December 2014; Grant amended)
- Targeted Completion 9/30/2017 (originally 9/30/16)

Sustainable Features

- Meets requirements of the National Environmental Policy Act

MURRAY MIDDLE SCHOOL

PROJECT STATUS REPORT

DSA REVIEW PHASE

Fast Financial Facts

- Total Project Budget (TPB). \$39,542,838
- Construction Budget @ 70% TPB less demo \$24,479,986
- Demolition Allowance for Old Murray \$ 3,200,000
- Reserve for Soft Costs/Fees @ 30% TPB \$11,862,851
- Encumbrances To Date. \$ 6,446,874
- Percent Complete of Project Cost 16.3%
- Percent Complete of Construction 0%

Project Update

- DSA plan check complete; comments to Architect; final approval now anticipated to be 8-5-15 due to DSA plan check delay.
- Plan revisions to reduce the cost of roadway changes and campus drive paving complete and to be submitted to DSA with back-check documents.
- Documents for site access improvements in City Right of Way complete and submitted to City Engineer for review.
- Removal Action Workplan (RAW) for soil remediation remains in review at Department of Toxic Substance Control (DTSC); mailing list in preparation for required Public Participation.
- Responses to Navy review comments completed by Architectural team and submitted to Navy for review; no exceptions from the Navy.
- Review by other regulatory agencies remains in process including California Department of Education, and Kern County Fire Department.
- Bidding documents complete; goal remains to initiate early bidding procedures prior to final DSA approval.
- Custom Permanent Modular structures will be submitted to DSA as a deferred approval by both DSA and the Navy.



MURRAY MIDDLE SCHOOL

SCHEDULE: 12 MONTH

•DSA Submittal	03-10-15
•DSA Commencement of Plan Check	04-22-15
•DSA Plan Check Duration – 12 weeks	06-22-15* (prior was 7-22-15)
•Bid Advertisements (twice)	08-03-15 and 08-10-15* (prior was 07-07-15 and 07-14-15)
•Bidding Period	08-03-15 thru 08-25-15* (prior was 07-07-15 thru 08-06-15)
•Bid Notice of Intent	08-26-15* (prior was 8-10-15)
•Board Approval of Awards	09-17-15* (prior was 8-10-15)
•Notices to Proceed	09-17-15* (prior was 8-10-15)
•Site Soil Remediation and Approval	09-21-15 thru 12-31-15* (prior was 08-24-15 thru 10-23-15)
• Site Construction Start (Mobilization)	11-15-15
•Commence design of modular units	09-17-15* (prior was 9-1-15)
•DSA completion of review of modular unit design	06-23-16**(prior was 3-23-16)
•Commence construction of modular units	06-24-16**(prior was 3-24-16)

*Delay due to late DSA plan check

** Delay due to DSA assertion that plan check of deferred submittal would take lowest priority

HVAC REMEDIATION

PROJECT STATUS REPORT

DSA REVIEW PHASE

· Address	Various
· Project Manager	Maas Steve Hubbard
· Architect	RBB Architects Los Angeles, CA
· Construction Manager	TBD



Fast Facts

Remediation of prior substandard construction and installation of HVAC units. Work at school sites that have not yet benefited from Modernization projects includes structural, mechanical and electrical retrofitting of existing HVAC units to properly respond to existing conditions and to correct prior substandard work. Due to budget constraints, work now includes Monroe Middle School, Mesquite Continuation School, and Burroughs High School.

- Total Project Budget \$7,024,500
- Project Square Footage (GSF) Varies
- Funding Source Facilities Hardship /Siemens
- Construction Mobilization. June 2016 (prior Sept 2015)*
- Targeted Completion Spring 2017 (prior December 2015)*

·* District determined that construction must occur when school not in session. DSA Plan check delay resulted in missing Summer 2015 construction; next opportunity for construction is Summer 2016.

- Meets requirements of the National Environmental Policy Act



HVAC REMEDIATION

PROJECT STATUS REPORT

DSA REVIEW PHASE

Fast Financial Facts

- Total Project Budget\$7,024,500
- Construction Budget @ 70%.....\$4,917,150
- Reserve for Soft Costs/Fees at 30%\$2,107,350
- Encumbrances To Date..... \$ 824,307
- Percent Complete of Project Cost 12%
- Percent Complete of Construction 0%

Project Update

- Correction of all prior BHS Open A# work as part of Modernization revisions submitted to DSA for review on 6-16-15.
- BHS – PAC Air Handlers DSA Plan Check complete; project approved for construction
- James Monroe DSA Plan Check complete; project approved for construction.
- Mesquite DSA Plan Check in process; first plan check comments expected 07-16-15
- PAC HVAC Remediation DSA Plan Check in process; first plan check comments expected 07-24-15
- Delay in DSA plan check will cause delay of construction until Summer 2016.
- Projects to be bid at the same time that the Burroughs Modernization Project is bid for economy of scale.
- Applications for State Facilities Hardship funds remain in process.

HVAC REMEDIATION

SCHEDULE:

•DSA Submittal, Phased Intake	08-03-14 thru 03-17-15
•DSA Plan Check Commencement for Mesquite and PAC	04-14-15 and 04-29-15**
•DSA Plan Check Duration – Estimated 8 weeks each Phase (as each phase design was completed)	08-03-14 thru 09-24-15**
•Bid Advertisements (twice)	09-16-15 and 09-23-15** (Prior 07-13-15 and 07-20-15)
•Bidding Period	09-16-15 to 10-14-15** (Prior 07-13-15 to 08-28-15)
•Bid Notices of Intent	10-14-15** (Prior 09-08-15)
•Board Approval of Awards (Special)	11-02-15** (prior 09-10-15)
•Notices to Proceed	11-03-15**(Prior 09-11-15)
•Submittal Review	11-11-15 thru 11-28-15**(prior 9-11-15 thru 9-28-15)
•Construction Start (Mobilization)	05-30-16*(Prior 09-30-15)

* Construction start to coincide with school recess summer of 2016.

** Changes due to inclusion in Burroughs Modernization bidding and delay in DSA plan check process.

10. CONSTRUCTION ADMINISTRATION

10.2 Approval to Enter into a Second Amendment of Agreement with IBI Group Related to Soil Remediation Measures and Food Service Revisions for the New Murray Middle School

BACKGROUND INFORMATION: In August 2014, the district entered into an agreement with IBI Group to provide Architectural and Engineering Services pertaining to the Murray Middle School construction project. As required by the California Environmental Quality Act, the district commissioned a consultant to provide environmental review services for the project. During the course of development of the preliminary environmental documents, an Environmental Site Assessment (ESA) was submitted to the California Department of Toxic Substance Control (DTSC), as is required by statute. Upon review of the ESA, DTSC required additional soil testing, the results of which indicated the need for a Removal Action Workplan (RAW) to remove all contaminated soil from the project area. The RAW has been composed and submitted to DTSC for review. The DTSC requirements have extended the project schedule and the participation of the project architect by 4 months beyond the original schedule. In addition, and in order to reduce the construction cost of the overall project, the architect executed certain re-design of the overall campus structures. As a result, redesign of the food service equipment and layout, that was previously approved and documented, has been necessary.

CURRENT CONSIDERATIONS: As part of the process of developing the RAW, several alternatives for remediation of contaminated soils on the school site were evaluated. The initial proposal, to remove all contaminated soil from the site, was the most expensive alternative, estimated to cost \$3.4M. A second alternative, to encapsulate the soil on site and to monitor the site over the life of the facility, is estimated to cost less than \$1M. The district will save approximately \$2.4M by exercising the second alternative. However, in order to encapsulate the soil on site, additional civil engineering drawings are required to identify location, depth, perimeter, and cover of the encapsulation area, and to obtain approval from DTSC. IBI Group, the project Architect of Record (A/R), requested a scope of work and a fee proposal from the Civil Engineer to execute the encapsulation documents. In addition, the food service consultant will expend additional professional time to revise the drawings and specifications to address the realignment of space within the Multipurpose Building as part of the cost saving measures approved by the district. The proposed additional fees of the architect, engineer, and food service consultant have been reviewed for appropriateness.

FINANCIAL IMPLICATIONS: The amount of the proposed fee is \$61,680.00 as listed in the attachment as Additional Services #2 through #6. The district plans to

use both the DoD fund sources for 80% of the contract, as well as several other fund sources including Fund 35 and IKSFA for the remaining 20% to support this contract.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board authorize the second amendment to the agreement with IBI Group for additional architectural and engineering fees in support of the Murray Middle School Project.



A/E Fee Calculation

Sierra Sands USD Murray Middle School DOD Replacement
June 25, 2015

Description	Quantity	Unit	Unit Cost	Total
A/E Basic Services				
Original Fee: Architectural & Engineering Fees for				
Basic Services:	1	Ls	\$1,213,500	\$1,213,500
Adjustment	1	Ls	-\$13,500	-\$13,500
A/E Additional Services 1: Revise site ingress/egress:				
Architectural Revisions	1	Ls	\$10,500	\$10,500
Civil Engineering - On Site	1	Ls	\$7,700	\$7,700
Civil Engineering - Off Site	1	Ls	\$17,050	\$17,050
Landscape Architecture	1	Ls	\$1,320	\$1,320
Electrical Engineering	1	Ls	\$1,650	\$1,650
Subtotal (Add Services 1):				\$38,220
A/E Additional Services 2: Encapsulate Contaminated Soil:				
Architectural Revisions				
Specification coordination/updates	20	hrs	\$175	\$3,500
Drawing revisions	42	hrs	\$150	\$6,300
Consultant Coordination	12	hrs	\$175	\$2,100
RAW coordination	12	hrs	\$175	\$2,100
Civil Engineering - On Site	1	Ls	\$11,880	\$11,880
Subtotal (Add Services 2):				\$25,880
A/E Additional Services 3: Revise Food Service Design and Drawings:				
Food Service Consultant	1	Ls	\$13,800	\$13,800
Subtotal (Add Services 3):				\$13,800
A/E Additional Services 4: Extended Pre-Con Due to DTSC and DSA				
Attendance at additional project meetings				
4 months; 2 times per month				
Travel and attendance per meeting	12	hrs	\$175	\$2,100
Added meetings	8	ea	\$2,100	\$16,800
Missed meeting (7/7/15)	1	ea	\$2,100	-\$2,100
Subtotal (Add Services 4):				\$14,700
A/E Additional Services 5: Assisst with DTSC approval of updated soils report				
Review and coordination of updates	16	hrs	\$175	\$2,800
Prepare submittal(s) and process	2	hrs	\$150	\$300
Subtotal (Add Services 5):				\$3,100
A/E Additional Services 6: Upgrade building requirements to comply with Updated UFC (10/13)				
Review and coordination of updated requirements				
with PT Inc	24	hrs	\$175	\$4,200
Subtotal (Add Services 6):				\$4,200
Total A/E Fees				\$1,299,900

10. CONSTRUCTION ADMINISTRATION

10.3 Approval to Negotiate a Contract for Proposition 39 Energy Conservation and Clean Energy Consultant Services

BACKGROUND INFORMATION: Proposition 39 provides California public schools with supplemental funding to undertake energy efficiency and conservation projects, along with improvements and repairs that contribute to reduced operating costs. The district applied for funding and was awarded \$224,453 in 2013-14 of which \$130,000 has been received thus far, and \$195,894 for 2014-15. Similar awards are expected in the next 3 years. District staff determined that district facilities energy efficiency projects would best be planned by an experienced consultant familiar with Proposition 39 planning and expenditure requirements, particularly in view of potentially optimizing current modernization efforts at Burroughs High School.

CURRENT CONSIDERATIONS: At the regular board meeting of January 15, 2015, the board authorized the district to seek requests for qualifications for Proposition 39 Consulting Services. The district proceeded to solicit, to review, and to evaluate proposals of services from qualified firms. District staff conducted a competitive process in accordance with the district's established protocol:

1. Convened District Selection Committee
2. Published a Request for Qualifications (RFQ) on the dates below:
 - District website on 5-13-15
 - Coalition for Adequate School Housing (CASH) website on 5-13-15
 - News Publications
 - Press Enterprise on 5-13-15
 - Antelope Valley Press on 5-13-15
 - Bakersfield Californian on 5-13-15
 - Daily Independent on 5-13-15
 - News Review on 5-15-15
3. Responses were received June 1, 2015 by 2:00 PM and were distributed to the District Selection Committee members the following work day.
4. The District Selection Committee composed of district administrators and district program managers, as non-voting observers, met on Wednesday, June 3, 2015 to review and rank the responses.
5. The top respondent was invited to interview on July 8, 2015.
6. Interview was held on July 8, 2015

It was the consensus of the committee that the firm of TerraVerde Renewable Partners, LLC be recommended to provide Proposition 39 Energy Conservation and Clean Energy Consultant Services.

FINANCIAL IMPLICATIONS: To be determined upon the negotiation of a contract. The district plans to use Proposition 39 available funding for this contract. None of these funds have been expended to date. Expenditures for energy efficiency projects may not be undertaken until the CEC has approved the plan for the district.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that district staff be authorized to negotiate a contract with TerraVerde Renewable Partners, LLC. for Proposition 39 Energy Conservation and Clean Energy Consultant Services.

12. CONSENT CALENDAR

12.1 Approval of “A” and “B” Warrant

CURRENT CONSIDERATIONS: “A” and “B” warrants released in June, 2015 are submitted for approval. “A” warrants totaled \$977,049.13. “B” warrants totaled \$1,214,214.01.

FINANCIAL IMPLICATIONS: Warrants were issued as stated.

SUPERINTENDENT’S RECOMMENDATION: Approve “A” and “B” warrants for June, 2015 as presented.

This list represents the "A" and "B" warrants released during the month of **JUNE 2015**
The "A" and "B" warrant registers are available in the business office for your review.

RECOMMENDED ACTION: Approve "A" and "B" warrants as presented.

"A" WARRANTS

<u>Type of Payroll</u>	<u>Amount</u>
End of month certificated	\$152,034.68
End of month classified	\$ 579,889.51
10th of month certificated	\$126,934.60
10th of month classified	\$118,190.34
Total "A" Warrants	\$977,049.13

"B" WARRANTS

Register Number	<u>Amount</u>
254	\$43,032.82
255	\$23,819.68
256	May
257	May
258	\$9,395.62
259	\$25,697.64
260	\$186,526.33
261	\$74,233.07
262	Food Service
263	\$30,826.52
264	\$27,855.41
265	\$13,275.00
266	\$39,998.05
267	\$16,807.90
268	\$206,641.07
269	\$36,088.07
270	\$44,531.06
271	\$34,480.91
272	\$372,843.24
273	\$7,161.62
274	\$21,000.00
Total "B" Warrants	\$1,214,214.01

12. CONSENT CALENDAR

12.2 Approval to Declare the Property Value of One Vehicle and Allow for the Sale of the
Vehicle to an Auto Recycling Center as Surplus Property

BACKGROUND INFORMATION: Administrative Regulations 3270, Sale and Disposal of Books, Equipment, and Supplies, regulates the process for disposing of district equipment. AR 3270 states that the board may dispose of personal property belonging to the district if the board members attending a meeting unanimously agree that the property is worth no more than \$2,500.00. Under these circumstances, the board may designate any district employee to sell the property without advertising. (Education Code 17546)

CURRENT CONSIDERATIONS: The CTE Auto program receives donations of used vehicles and uses these vehicles for hands-on classroom instruction. After vehicles have been used a number of times, the vehicles are no longer able to be registered and/or driven. At the current time there is one vehicle that has extremely limited value to the district and needs to be sold to an auto recycling yard. This car is estimated to be worth no more than the salvage value of \$150.00. The district is requesting permission to surplus the vehicle listed below without going to bid.

- 1989 Pontiac Firebird VIN # 1G2FS21S7KL253127

FINANCIAL IMPLICATIONS: The anticipated value of the one vehicle is approximately \$150.00. The funds received will be deposited into the general fund and used to offset future CTE Auto expenses.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board determine the value of the one vehicle at a value less than \$2,500.00 and designate district staff to sell the property without advertising.

12. CONSENT CALENDAR

12.3 Approval of Contract with Esther Sires to Serve as WorkAbility I Director for the 2015-16 School Year

BACKGROUND INFORMATION: The WorkAbility Program which began in 1982 has sites in 305 local education agencies and serves all 58 California counties. The program provides comprehensive pre-employment training, employment placement, and follow up for high school students in special education who are making the transition from school to work, independent living and post-secondary education or training. The WorkAbility Program is funded and administered by the California Department of Education.

The WorkAbility I Program at Burroughs High School has been coordinated by Mrs. Esther Sires for 18 years. Mrs. Sires has developed a program that is exemplary in the state. All Special Education students at BHS benefit from the program, either by direct or indirect services.

CURRENT CONSIDERATIONS: The SELPA wishes to continue to employ Mrs. Sires in the position of Program Director for the WorkAbility I Program. This allows continuity in the program at Burroughs High School. Her expertise in the area of workability has resulted in an exemplary program in the Sierra Sands Unified School District and her continuation in the role of Program Director has ensured that the WorkAbility Program maintains the services for the special education students at Burroughs High School that have been available for the past 18 years.

FINANCIAL IMPLICATIONS: The cost of employing Mrs. Sires as Program Director for the WorkAbility I Program is \$ 9,600 plus travel expenses, not to exceed \$7,300, which will be paid for by the money in the special WorkAbility account and will not be a cost to the district.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board give approval to employ Mrs. Esther Sires as Program Director for the WorkAbility I Program for the 2015-2016 school year as presented.



SIERRA SANDS UNIFIED SCHOOL DISTRICT
113 Felspar
Ridgecrest, California 93555

CONTRACT FOR PROFESSIONAL SERVICES

Esther Sires, (Contractor), and the Sierra Sands Unified School District (District), hereby agree as follows:

1. Contractor shall provide the following professional services and all materials: WorkAbility Program Coordinator and clerical support.
2. Contractor shall complete all services no later than June 30, 2016.
3. Contractor shall hold District harmless for any loss, damage, or injury arising from the performance of service.
4. District shall compensate Contractor the total sum of \$9,600 for services as the WorkAbility Program Coordinator/clerical support and an amount not to exceed \$7,300 for WorkAbility conferences and business meetings for all services rendered.
5. District shall, within 30 days after presentation of receipts, reimburse Contractor for travel, accommodation, and meal expenses.
6. Contingent upon receipt of W-9 form, District shall pay Contractor within 30 days after completion of service and presentation of an appropriate invoice.

AGREED BY CONTRACTOR

Authorized Signature

Date: _____

Esther Sires

Company Name

725 Peg Street

Street Address

Ridgecrest CA 93555

City/State/Zip

Social Security or Employer Identification Number

AGREED BY DISTRICT

Authorized Signature

Date: _____

01-6520-0-5800.00-5001-2100-719-00-000-0000

(\$9,600) and 01-6520-0-5200.00-5001-2100-719-00-000-0000 (\$7,300)

Budget Code

79370

Requisition No.