



**BOARD OF TRUSTEES
REGULAR BOARD MEETING**

Board of Trustees
Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Superintendent
Ken Noah

Union High School District

**THURSDAY, MAY 16, 2013
6:30 PM**

**DISTRICT OFFICE BOARD ROOM 101
710 ENCINITAS BLVD, ENCINITAS, CA. 92024**

Welcome to the meeting of the San Dieguito Union High School District Board of Trustees.

PUBLIC COMMENTS

If you wish to speak regarding an item on the agenda, please complete a speaker slip located at the sign-in desk and present it to the Secretary to the Board prior to the start of the meeting. When the Board President invites you to the podium, please state your name, address, and organization before making your presentation.

Persons wishing to address the Board on any school-related issue not elsewhere on the agenda are invited to do so under the "Public Comments" item. If you wish to speak under Public Comments, please follow the same directions (above) for speaking to agenda items. Complaints or charges against an employee are not permitted in an open meeting of the Board of Trustees.

In the interest of time and order, presentations from the public are limited to three (3) minutes per person, per topic. The total time for agenda and non-agenda items shall not exceed twenty (20) minutes. An individual speaker's allotted time may not be increased by a donation of time from others in attendance.

In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

PUBLIC INSPECTION OF DOCUMENTS

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board Meeting will be available for review on the district website, www.sduhsd.net and/or at the district office. Please contact the [Office of the Superintendent](#) for more information.

CONSENT CALENDAR

All matters listed under Consent are those on which the Board has previously deliberated or which can be classified as routine items of business. An administrative recommendation on each item is contained in the agenda supplements. There will be no separate discussion of these items prior to the time the Board of Trustees votes on the motion unless members of the Board, staff, or public request specific items to be discussed or pulled from the Consent items. To address an item on the consent calendar, please follow the procedure described under *Comments on Agenda Items*.

CLOSED SESSION

The Board will meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, or real estate negotiations which are timely.

CELL PHONES/PAGERS

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the meeting room.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability.

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
REGULAR BOARD MEETING**

AGENDA

**THURSDAY, MAY 16, 2013
6:30 PM**

**DISTRICT OFFICE BOARD ROOM 101
710 ENCINITAS BLVD., ENCINITAS, CA. 92024**

PRELIMINARY FUNCTIONS (ITEMS 1 – 6)

- 1. CALL TO ORDER; PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS 6:00 PM
- 2. **CLOSED SESSION** **6:01 PM**
 - A. Consideration and/or deliberation of student discipline matters (1 case)
 - B. To consider personnel issues, pursuant to Government Code Sections 11126 and 54957; limited to consideration of the appointment, employment, evaluation of performance, discipline /release, dismissal of a public employee or to hear *complaints or charges brought against such employee by another person or employee unless the employee requests a public session.*
(5 Issues: Superintendent Employment; plus 4 employee issues)
 - C. To conference with Labor Negotiators, pursuant to Government Code Section 54957.8.
Agency Negotiators: Superintendent, Deputy Superintendent, and Associate Superintendents
Employee Organizations: San Dieguito Faculty Association / California School Employees Association
 - D. To confer with real property negotiator:
 - Property: Approximately 13.5 acre portion of 305-031-29 and 305-040-36
 - Agency Negotiator: Eric Dill, Associate Superintendent, Business and/or John Addleman, Director, Planning and Financial Management
 - Negotiating Parties: Pardee Homes
 - Under negotiation: Instructions pertaining to price, terms of payment, and delivery

REGULAR MEETING / OPEN SESSION **6:30 PM**

- 3. RECONVENE REGULAR BOARD MEETING / CALL TO ORDER BOARD PRESIDENT
* WELCOME / MEETING PROTOCOL REMARKS
- 4. PLEDGE OF ALLEGIANCE
- 5. REPORT OUT OF CLOSED SESSION
- 6. APPROVAL OF MINUTES, MAY 1 AND MAY 8, 2013, (SPECIAL CLOSED SESSIONS), AND MAY 2, 2013, (REGULAR BOARD MEETING)
Motion by _____, second by _____, to approve Minutes of May 1, 2, and 8, 2013, as shown in the attached supplement(s).

NON-ACTION ITEMS (ITEMS 7 - 10)

- 7. STUDENT UPDATES..... STUDENT REPRESENTATIVES
 - A. STUDENT BOARD RECOGNITION.....KEN NOAH, SUPERINTENDENT
 - B. STUDENT UPDATES..... STUDENT REPRESENTATIVES
- 8. BOARD UPDATES BOARD OF TRUSTEES
- 9. SUPERINTENDENT’S REPORTS, BRIEFINGS, AND LEGISLATIVE UPDATES.....KEN NOAH, SUPERINTENDENT
- 10. DEPARTMENT UPDATES (NONE SCHEDULED)

CONSENT AGENDA ITEMS..... (ITEMS 11 - 15)

Upon invitation by the President, anyone who wishes to discuss a Consent Item should come forward to the lectern, state his/her name and address, and the Consent Item number.

11. SUPERINTENDENT

A. GIFTS AND DONATIONS

Accept the Gifts and Donations, as shown in the attached supplement(s).

B. FIELD TRIP REQUESTS

Accept the Field Trips, as shown in the attached supplement(s).

C. APPROVAL OF CALIFORNIA INTERSCHOLASTIC FEDERATION (CIF) SAN DIEGO SECTION, CONTINUATION OF MEMBERSHIP AGREEMENT, 2013-14

Approve the CIF Continuation of Membership Agreement for 2013-14 school year for annual renewal purposes, as required annually by State of California Interscholastic Federation Bylaws, and shown in the attached supplement(s).

D. AUTHORIZATION OF SCHOOLS' ATHLETIC LEAGUE REPRESENTATIVES, (CIF), 2013-14

Approve the authorization of Schools' Athletic League Representatives for 2013-14 school year as required annually by State of California Interscholastic Federation Bylaws and shown in the attached supplement(s).

12. HUMAN RESOURCES

A. PERSONNEL REPORTS

Approve matters pertaining to employment of personnel, salaries, leaves of absence, resignations, changes in assignments, extra duty assignments, and consultant services:

1. Certificated and/or Classified Personnel Reports, as shown in the attached supplement(s).

B. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreement and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. Azusa Pacific University for student teacher services, during the period July 1, 2013 through June 30, 2016.

13. EDUCATIONAL SERVICES

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreement and authorize Christina M. Bennett or Eric R. Dill to execute the agreement:

1. Industrial Electric Commercial Parts & Service, Inc., to provide an annual Planned Preventative Maintenance Program (PPMP) and time and material "per district request" services on the commercial cooking and refrigeration equipment currently located at San Dieguito High School Academy, during the period May 17, 2013 through June 30, 2013 and then renewing automatically unless either party gives 30 day notice, at the rates of \$295.00 per annual PPMP service call not including parts, freight charges, and taxes, and \$94.00 for the first half hour of labor and travel for "per district request services" and \$94.00 per hour thereafter (charged in 15 minute increments) not including \$0.94 per mile for travel, to be expended from the General Fund 03-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

Approve/ratify amending the following agreements and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. Carmel Valley Recreation Center, increasing the not to exceed amount for facility leases for Adult Education classes to \$5,685.00, to be expended from the Adult Education Fund 11-00.

14. PUPIL SERVICES / SPECIAL EDUCATION

SPECIAL EDUCATION

- A. APPROVAL/RATIFICATION OF NON-PUBLIC SCHOOL / NON-PUBLIC AGENCY CONTRACTS, INDEPENDENT CONTRACTOR AGREEMENTS, AND/OR MEMORANDUMS OF UNDERSTANDING
(None Submitted)
- B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS
(None Submitted)
- C. APPROVAL/RATIFICATION OF PARENT SETTLEMENT AND RELEASE AGREEMENTS
Approve/ratify the following Parent Settlement and Release Agreements, to be funded by the General Fund 06-00/Special Education, and authorize the Director of Special Education to execute the agreements:
 1. Student ID No. 1097044053, in the amount of \$8,500.00 for compensatory education, during the period May 16, 2013 through June 30, 2014, and \$6,500.00 for parent reimbursement.

PUPIL SERVICES

- D. APPROVAL/RATIFICATION OF AGREEMENTS
(None Submitted)

15. BUSINESS / PROPOSITION AA

BUSINESS

- A. APPROVAL/RATIFICATION OF AGREEMENTS
Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Ken Noah to execute the agreements:
 1. Axiom Advisors & Consultants, Inc., to provide non-block grant mandate reimbursement services at the costs of \$2,000.00 for the Behavioral Intervention Plans mandate for fiscal years 1993-94 through 2011-12, plus \$225.00 per school site for mandate compliance check and outside audit preparation, and a 10% filing fee not to exceed \$1,000.00 per claim for all new and on-going mandate filing services, during the period May 17, 2013 through June 30, 2014, to be expended from the General Fund 03-00.
- B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS
(None Submitted)
- C. AWARD/RATIFICATION OF CONTRACTS
(None Submitted)
- D. APPROVAL OF CHANGE ORDERS
(None Submitted)
- E. ACCEPTANCE OF CONSTRUCTION PROJECTS
(None Submitted)
- F. APPROVAL OF BUSINESS REPORTS
Approve the following business reports:
 1. Purchase Orders
 2. Membership Listing (None Submitted)

PROPOSITION AA

G. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Ken Noah to execute the agreements:

1. Kitty Siino & Associates, Inc., appraisal services for Parcel 03 and Parcel 05 of Pacific Highlands Ranch, during the period May 17, 2013 through August 17, 2013, in the amount of \$7,000.00, to be expended from the Building Fund–Prop 39 Fund 21-39 and to be reimbursed 50% by Pardee Homes.
2. Field Turf USA, to provide synthetic turf for Field replacement project at Canyon Crest Academy, during the period May 17, 2013 through August 17, 2013, in the amount of \$657,260.00, to be expended from Building Fund–Prop 39 Fund 21-39.
3. Field Turf USA, to provide synthetic turf for Field replacement project at San Dieguito Academy, during the period May 17, 2013 through August 17, 2013, in the amount of \$614,621.00, to be expended from Building Fund–Prop 39 Fund 21-39.
4. Gilbane Building Company, to provide Pre-construction services at La Costa Valley school site, during the period May 17, 2013 through May 17, 2014, in the amount of \$92,900.00, to be expended from Building Fund–Prop 39 Fund 21-39.
5. Gilbane Building Company, to provide Pre-construction services at La Costa Canyon High School Phase 1A and Phase 1B, during the period May 17, 2013 through May 17, 2014, in the amount of \$103,680.00, to be expended from Building Fund–Prop 39 Fund 21-39.
6. Dell Computers, for purchase and installation of an APC Server rack with built in Air Conditioning for the La Costa Canyon High School Server Room, during the period May 17, 2013 through August 17, 2013, in the amount of \$83,268.94, shipping not included, to be expended from Building Fund–Prop 39 Fund 21-39.
7. Ninyo & Moore, to provide Material Testing and Special Inspection Services on various District sites, during the period May 17, 2013 through May 17, 2014, in the amount of \$200,000.00, District may renew the contract annually up to five (5) years, to be expended from Building Fund–Prop 39 Fund 21-39.
8. Nova Services, to provide Material Testing and Special Inspection Services on various District sites, during the period May 17, 2013 through May 17, 2014, in the amount of \$200,000.00, District may renew the contract annually up to five (5) years, to be expended from Building Fund–Prop 39 Fund 21-39.
9. Southern California Soil & Testing, Inc., to provide Material Testing and Special Inspection Services on various District sites, during the period May 17, 2013 through May 17, 2014, in the amount of \$200,000.00, District may renew the contract annually up to five (5) years, to be expended from Building Fund–Prop 39 Fund 21-39.
10. Intratek Computer, Inc., to provide local area network (LAN) implementation at the District's data center, during the period May 17, 2013 through completion, in an amount not to exceed \$35,356.50, to be expended from Building Fund–Prop 39 Fund 21-39.
11. Intratek Computer, Inc., to provide unified communications (UC) and UC specializations (UCS) implementation at the District's data center, during the period May 17, 2013 through completion, in an amount not to exceed \$64,165.50, to be expended from Building Fund–Prop 39 Fund 21-39.
12. Geocon, Inc., to provide geotechnical investigations at Middle School #5, during the period of May 17, 2013 through completion, in an amount not to exceed \$26,500.00, to be expended from Building Fund- Prop 39 Fund 21-39.

H. AWARD/RATIFICATION OF CONTRACTS

Award/ratify the following contracts and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents:

1. Byrom-Davey, Inc., Bid Package #1 Canyon Crest Academy Field Replacement - Field Replacement, during the period of May 23, 2013 through August 31, 2013, in the amount of \$1,793,529.00, to be expended from Building Fund–Prop 39 Fund 21-39.

- 2. J&B Engineers, Surveyors, Bid Package #2 Canyon Crest Academy Field Replacement - Surveying, during the period of May 23, 2013 through August 31, 2013, in the amount of \$10,950.00, to be expended from Building Fund–Prop 39 Fund 21-39.
- 3. David Beckwith & Associates, Bid Package #3 Canyon Crest Academy Field Replacement - SWPPP, during the period of May 23, 2013 through August 31, 2013, in the amount of \$85,000.00, to be expended from Building Fund–Prop 39 Fund 21-39.

ROLL CALL VOTE FOR CONSENT AGENDA..... (ITEMS 11 - 15)

- | | |
|-------------------------|--|
| _____ Joyce Dalessandro | _____ Zoe Eprile, Torrey Pines High School |
| _____ Barbara Groth | _____ Kailey Lawson, Canyon Crest Academy |
| _____ Beth Hergesheimer | _____ Maria Lopez, San Dieguito Academy |
| _____ Amy Herman | _____ Allison Zimmerman, La Costa Canyon High School |
| _____ John Salazar | _____ Kirra Sarquilla, Sunset High School |

DISCUSSION / ACTION ITEMS..... (ITEMS 16 - 18)

- 16. PROPOSED BOARD POLICY REVISIONS / HUMAN RESOURCES, (9 TOTAL), AS SHOWN IN THE ATTACHED SUPPLEMENT(S).
Motion by_____, second by_____, to approve the Board Policy Revision Proposals, as shown in the attached supplement(s).
- 17. APPROVAL OF RECEIPT & EXPENDITURE OF EDUCATION PROTECTION ACCOUNT (EPA) FUNDING
Motion by_____, second by_____, to approve the receipt and expenditure of Education Protection Account (EPA) funding, in the amount of \$2,404,936.00, as shown in the attached supplement.
- 18. ADOPTION OF 2012-13 DISTRICT BUDGET / SPRING REVISION
 - Motion by_____, second by_____, to adopt the 2012-13 District Budget / Spring Revision, as shown in the attached supplements.
 - Roll Call

INFORMATION ITEMS..... (ITEMS 19 - 28)

- 19. PROPOSED BOARD POLICY REVISIONS / SUPERINTENDENT / BOARD BYLAWS, (1 TOTAL), AS SHOWN IN THE ATTACHED SUPPLEMENT(S).
These policies are being presented for first read and will be resubmitted for board action on June 6, 2013.
- 20. PROPOSED MIDDLE SCHOOL #5 CONCEPTUAL DESIGN UPDATE JOHN ADDLEMAN
- 21. BUSINESS SERVICES UPDATE ERIC DILL, ASSOCIATE SUPERINTENDENT
- 22. HUMAN RESOURCES UPDATE TORRIE NORTON, ASSOCIATE SUPERINTENDENT
- 23. EDUCATIONAL SERVICES UPDATE RICK SCHMITT, DEPUTY SUPERINTENDENT
- 24. PUBLIC COMMENTS
In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda. (See Board Agenda Cover Sheet)
- 25. FUTURE AGENDA ITEMS
- 26. ADJOURNMENT TO CLOSED SESSION(AS REQUIRED)
 - A. Consideration and/or deliberation of student discipline matters (1 case)
 - B. To consider personnel issues, pursuant to Government Code Sections 11126 and 54957; limited to consideration of the appointment, employment, evaluation of performance, discipline

/release, dismissal of a public employee or to hear *complaints or charges brought against such employee by another person or employee unless the employee requests a public session.*

(5 Issues: Superintendent Employment; plus 4 employee issues)

- C. To conference with Labor Negotiators, pursuant to Government Code Section 54957.8.
Agency Negotiators: Superintendent, Deputy Superintendent, and Associate Superintendents
Employee Organizations: San Dieguito Faculty Association / California School Employees Association
- D. To confer with real property negotiator:
 - Property: Approximately 13.5 acre portion of 305-031-29 and 305-040-36
 - Agency Negotiator: Eric Dill, Associate Superintendent, Business and/or John Addleman, Director, Planning and Financial Management
 - Negotiating Parties: Pardee Homes
 - Under negotiation: Instructions pertaining to price, terms of payment, and delivery

27. REPORT FROM CLOSED SESSION (AS NECESSARY)

28. MEETING ADJOURNED

The next regularly scheduled Board Meeting will be held on [Thursday, June 6, 2013, at 6:30 PM](#) in the SDUHSD District Office Board Room 101. The District Office is located at 710 Encinitas Blvd., Encinitas, CA, 92024.

Board of Trustees
Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Superintendent
Ken Noah



MINUTES
OF THE
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
REGULAR BOARD MEETING

MAY 2, 2013

THURSDAY, MAY 2, 2013
6:30 PM

DISTRICT OFFICE BOARD ROOM 101
710 ENCINITAS BLVD., ENCINITAS, CA. 92024

PRELIMINARY FUNCTIONS..... (ITEMS 1 – 6)

1. President Groth called the meeting to order at 6:00 PM to receive public comments on Closed Session agenda items. No public comments were presented.
2. CLOSED SESSION (ITEM 2)
The Board convened to Closed Session at 6:01 PM to:
 - A. To consider personnel issues, pursuant to Government Code Sections 11126 and 54957; limited to consideration of the appointment, employment, evaluation of performance, discipline /release, dismissal of a public employee or to hear *complaints or charges brought against such employee by another person or employee unless the employee requests a public session.*
(4 Issues: Superintendent Search; 3 employee issues)
 - B. To conference with Labor Negotiators, pursuant to Government Code Section 54957.8.
Agency Negotiators: Superintendent, Deputy Superintendent, and Associate Superintendents
Employee Organizations: San Dieguito Faculty Association / California School Employees Association
 - C. To confer with real property negotiator:
 - Property: Approximately 13.5 acre portion of 305-031-29 and 305-040-36
 - Agency Negotiator: Eric Dill, Associate Superintendent, Business and/or John Addleman, Director, Planning and Financial Management
 - Negotiating Parties: Pardee Homes
 - Under negotiation: Instructions pertaining to price, terms of payment, and delivery

OPEN SESSION / ATTENDANCE

BOARD OF TRUSTEES

Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

STUDENT BOARD REPRESENTATIVES

Zoe Eprile, Torrey Pines High School
Kailey Lawson, Canyon Crest Academy
Maria Lopez, San Dieguito Academy
Allison Zimmerman, La Costa Canyon High School

DISTRICT ADMINISTRATORS / STAFF

Ken Noah, Superintendent
Eric Dill, Associate Superintendent, Business Services
Torrie Norton, Associate Superintendent, Human Resources
Kyle Ruggles, Ed.D., Principal, La Costa Canyon High School
Mike Grove, Ed.D., Executive Director, Curriculum, Data Assessment
Tracy McCabe / Chris Faist, Teachers
Becky Banning, Executive Assistant to the Superintendent / Recording Secretary

- 3. RECONVENE REGULAR MEETING / CALL TO ORDER (ITEM 3)
The regular meeting of the Board of Trustees was called to order at 6:30 PM by President Barbara Groth.
- 4. PLEDGE OF ALLEGIANCE (ITEM 4)
President Groth led the Pledge of Allegiance.

Immediately following the Salute to the Flag, the Board of Trustees unanimously agreed to move Item 27 (Public Comments), to this portion of the agenda. See Item 27 for a list of public speakers and topics.

Public Comments:

- 5. REPORT OUT OF CLOSED SESSION (ITEM 5)
The Board met in closed session and approved the reassignment of three certificated administrators to the classroom. Motion unanimously carried.
- 6. APPROVAL OF MINUTES, APRIL 4, 2013, REGULAR BOARD MEETING AND APRIL 17, 2013 BOARD WORKSHOP
It was moved by Ms. Joyce Dalessandro, seconded by Ms. Beth Hergesheimer, to approve the Minutes of April 4 and 17, 2013, as presented. Motion unanimously carried.

NON-ACTION ITEMS (ITEMS 7 - 10)

- 7. STUDENT UPDATES..... STUDENT BOARD REPRESENTATIVES
Students gave updates about events and activities at their schools.
- 8. BOARD UPDATES BOARD OF TRUSTEES
Ms. Dalessandro, Ms. Groth, Ms. Herman, and Ms. Hergesheimer attended a board workshop on April 17th, to discuss construction concepts for Middle School #5.
All board members attended the Special Closed Session of May 1, 2013.
Ms. Joyce Dalessandro – Attended the San Dieguito Alliance for Drug Free Youth luncheon; the county-wide Honoring Our Own dinner event; and College Night at San Diego Fair Grounds.
Ms. Barbara Groth – nothing further to add.
Ms. Beth Hergesheimer – Visited Diegueño Middle School and San Dieguito Academy; also attended the annual County-Wide Honoring Our Own event.
Ms. Amy Herman – Attended the San Dieguito Alliance for Drug Free Youth luncheon; and College Night at the San Diego Fair Grounds.
Mr. John Salazar – Attended College Night; and attended a meeting with North Coastal Consortium of Special Education.
- 9. SUPERINTENDENT’S REPORT KEN NOAH, SUPERINTENDENT
 - A. EMPLOYEE RECOGNITION / TEACHER OF THE YEAR AND CLASSIFIED EMPLOYEE OF THE YEAR
Mr. Noah presented Teacher of the Year, Samantha Greenstein, and Classified Employee of the Year, Nancy Fogelstrom, with a token of appreciation and a certificate, on behalf of the district and the Board of Trustees.
 - B. REPORTS, BRIEFINGS, LEGISLATIVE UPDATES
Mr. Noah discussed the latest budget proposal by the Governor and how it might impact the school district, due to the redistribution of school funds. More updates will continue to be provided as changes occur.
- 10. “FLIPPED CLASSROOM” DEMONSTRATION..... TRACY MCCABE & CHRIS FAIST, TEACHERS
Ms. McCabe and Mr. Faist gave a demonstration on the Flipped Classroom concept. To view the presentation, [click here](#).

CONSENT ITEMS.....(ITEMS 11 - 15)

*It was moved by Ms. Joyce Dalessandro, seconded by Ms. Beth Hergesheimer, that all consent Items 11 through 15, be approved as listed below. Motion unanimously carried.

11. SUPERINTENDENT

A. GIFTS AND DONATIONS

Accept the Gifts and Donations, as presented.

B. FIELD TRIP REQUESTS

Accept the Field Trips, as presented.

12. HUMAN RESOURCES

A. PERSONNEL REPORTS

Approve matters pertaining to employment of personnel, salaries, leaves of absence, resignations, changes in assignments, extra duty assignments, and consultant services:

1. Certificated and/or Classified Personnel Reports, as presented.

B. APPROVAL/RATIFICATION OF AGREEMENTS

(None Submitted)

13. EDUCATIONAL SERVICES

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreement and authorize Christina M. Bennett or Eric R. Dill to execute the agreement:

1. Edgenuity, Inc. to provide virtual classroom and web administrator instructional recovery software licenses (replaces Plato), during the period July 1, 2013 through June 30, 2014, for an amount not to exceed \$115,650.00 plus applicable tax and shipping, to be expended from the General Fund 03-00.

14. PUPIL SERVICES / SPECIAL EDUCATION

SPECIAL EDUCATION

A. APPROVAL/RATIFICATION OF NON-PUBLIC SCHOOL / NON-PUBLIC AGENCY CONTRACTS, INDEPENDENT CONTRACTOR AGREEMENTS, AND/OR MEMORANDUMS OF UNDERSTANDING

Approve/ratify entering into the following non-public school / non-public agency master contracts (NPS/NPAs), independent contractor agreements (ICAs), and or memorandums of understanding (MOUs), and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents.

1. Lori L. Riddle-Walker, MFT – ICA, to provide cognitive behavioral therapy, specifically exposure and response prevention services, during the period March 19, 2013 through May 29, 2013, at the rate of \$85.00/45-50 minute session, to be expended from the General Fund/Restricted 06-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

Approve/ratify amending the following agreements and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. Oceanside Unified School District (MOU), increasing the not-to-exceed amount for special education instruction and services to \$4,664.44, to be expended from the General Fund/Restricted 06-00.

C. APPROVAL/RATIFICATION OF PARENT SETTLEMENT AND RELEASE AGREEMENTS

Approve/ratify the following Parent Settlement and Release Agreements, to be funded by the General Fund 06-00/Special Education, and authorize the Director of Special Education to execute the agreements:

ITEM 6

1. Student ID No. 4018542930, the District to provide services at Lindamood Bell, in the amount of 4 hours/day from April 17, 2013 through June 21, 2013 and 2 hours/day from June 24, 2013 through August 16, 2013.
2. Student ID No. 3025564007, the District to provide services at Lindamood Bell, in the amount of 4 hours/day from April 17, 2013 through June 21, 2013 and 2 hours/day from June 24, 2013 through August 16, 2013.

PUPIL SERVICES

D. APPROVAL/RATIFICATION OF AGREEMENTS (None Submitted)

15. BUSINESS / PROPOSITION AA

BUSINESS

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Ken Noah to execute the agreements:

1. Morningstar Productions, LLC, to provide sound and stage equipment and services for Canyon Crest Academy graduation, during the period June 12, 2013 through June 14, 2013, for an amount not to exceed \$8,999.99, to be expended from the General Fund 03-00 and reimbursed by the Canyon Crest Academy Foundation.
2. Playwrights Project, to conduct Write On! Playwriting program in one classroom at Canyon Crest Academy, during the period April 16, 2013 through May 16, 2013, for an amount not to exceed \$1,100.00, to be expended from the General Fund 03-00 and reimbursed by the Canyon Crest Academy Foundation.
3. Premier Food Services, Inc., to provide catering services for the San Dieguito Union High School District College Fair and Night on April 29, 2013, for an estimated amount of \$7,558.90, to be expended from the General Fund 03-00 and Torrey Pines High School fundraising events.
4. Wheels of Freestyle, Inc. to perform a freestyle bike show to inspire students to reach for new goals and dreams including committing to a drug and violence free lifestyle at Carmel Valley Middle School on June 13, 2013, for an amount not to exceed \$1,299.00, to be expended from the General Fund/Restricted 06-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

Approve/ratify amending the following agreements and authorize Christina M. Bennett or Eric R. Dill to execute the agreements:

1. Affordable Drain Service, Inc., for district wide drain repair services, increasing the annual not to exceed total to \$15,000.00, to be expended from the General Fund 03-00.

C. AWARD/RATIFICATION OF CONTRACTS

Award/ratify the following contracts and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents:

1. Fredericks Electric, Inc., for Electrical Services – District Wide, during the period May 10, 2013 through May 9, 2014, with options to renew two additional one year periods, at the unit prices listed on the attachment, to be expended from the fund to which the project is charged, including Building Fund–Prop 39 Fund 21-39.

D. APPROVAL OF CHANGE ORDERS

Approve Change Order No. 1 to the following projects, and authorize Christina M. Bennett or Eric R. Dill to execute the change orders:

1. Torrey Pines High School turf replacement & track resurfacing project B2012-16, contract entered into with FieldTurf USA, Inc., extending the contract 273 calendar days.

E. ACCEPTANCE OF CONSTRUCTION PROJECTS

Accept the following construction projects as complete, pending the completion of a punch list, and authorize the administration to file a Notice of Completion with the County Recorders' Office:

1. Torrey Pines High School turf replacement & track resurfacing project B2012-16, contract entered into with FieldTurf USA, Inc.

F. APPROVAL OF BUSINESS REPORTS

Approve the following business reports:

1. Purchase Orders
2. Membership Listing
3. Replacement Warrants

PROPOSITION AA

G. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreements and authorize Christina M. Bennett, Eric R. Dill, or Ken Noah to execute the agreements:

1. TRACE3 Inc., to provide IT equipment to upgrade the District network at the District Office, during the period May 3, 2013 through August 3, 2013, in the amount of \$252,700.78, plus shipping expenses, to be expended from the Building Fund—Prop 39 Fund 21-39.
2. TRACE3 Inc., to provide the Phones for the VOIP upgrade at the District Office, during the period May 3, 2013 through August 3, 2013, in the amount of \$23,576.18, plus shipping expenses, to be expended from the Other Building Fund 21-09, and Capital Facilities Fund 25-18.
3. TRACE3 Inc., to provide equipment necessary to upgrade our current analog phone system to Voice Over IP (VOIP) for the District Office, La Costa Canyon High School and Sunset High School, during the period May 3, 2013 through August 3, 2013, in the amount of \$277,719.19, plus shipping expenses, to be expended from the Building Fund—Prop 39 Fund 21-39.
4. TRACE3 Inc., to provide equipment necessary to upgrade the network with various Cisco gear at Sunset High School, during the period May 3, 2013 through August 3, 2013, in the amount of \$88,883.60, plus shipping expenses, to be expended from the Building Fund—Prop 39 Fund 21-39.
5. TRACE3 Inc., to provide necessary equipment upgrade to their network (LAN) to increase capacity of the network at La Costa Canyon High School, during the period May 3, 2013 through August 3, 2013, in the amount of \$379,828.44, plus shipping expenses, to be expended from the Building Fund—Prop 39 Fund 21-39.
6. Rancho Santa Fe Security Systems, Inc., to provide network panels with 4G Cellular back-up to Fire/Life/Safety system at La Costa Canyon High School, during the period May 3, 2013 through August 3, 2013, in the amount of \$20,340.00, to be expended from the Building Fund—Prop 39 Fund 21-39.
7. GEOCON Inc., to provide geotechnical investigation services for an upcoming stadium project that will encompass restroom, concession, bleachers, scoreboard and field surfaces at San Dieguito Academy, during the period May 3, 2013 through November 3, 2013, in the amount of \$18,750.00, to be expended from the Building Fund—Prop 39 Fund 21-39.
8. Westberg & White, Inc., to provide architectural and engineering services at Diegueno Middle School, during the period May 3, 2013 through completion of two phases, in the amount of \$1,670,798.00, to be expended from the Building Fund—Prop 39 Fund 21-39.
9. Westberg & White, Inc., to provide architectural and engineering services at Oak Crest Middle School, during the period May 3, 2013 through completion of two phases, in the amount of \$1,140,425.00, to be expended from the Building Fund—Prop 39 Fund 21-39.
10. D.A. Hogan & Associates, Inc., to provide professional consulting services for the Oak Crest Middle School lower field improvement project, during the period May 3, 2013 until final inspection and certification of completion of project, for a lump sum fee of \$33,000.00 plus

an allowance of up to \$5,700.00 for reimbursable expenses, to be expended from the Building Fund–Prop 39 Fund 21-39.

DISCUSSION / ACTION ITEMS (ITEMS 16 - 21)

- 16. ADOPTION OF RESOLUTION DECLARING MAY 6-10, 2013, "TEACHER APPRECIATION WEEK", AND MAY 7, 2013, "DAY OF THE TEACHER"
It was moved by Kailey Lawson, seconded by Maria Lopez, to adopt Resolution Declaring May 6-10, 2013, "Teacher Appreciation Week", and May 7, 2013, "Day of the Teacher", as presented. Motion unanimously carried.
- 17. ADOPTION OF RESOLUTION DECLARING MAY 19-25, 2013, "CLASSIFIED SCHOOL EMPLOYEE WEEK"
It was moved by Zoe Eprile, seconded by Allison Zimmerman, to adopt Resolution Declaring May 19-25, 2013, "Classified School Employee Week", as presented. Motion unanimously carried.
- 18. APPROVAL OF PROPOSED BOARD POLICY REVISIONS (4): BP & AR #0450, "COMPREHENSIVE SAFETY PLAN"; BP #1250, "VISITORS / OUTSIDERS"; AR #1340, "ACCESS TO DISTRICT RECORDS"
It was moved by Ms. Beth Hergesheimer, seconded by Ms. Joyce Dalessandro, to approve the Proposed Board Policy Revisions (4), as presented. Motion unanimously carried.
- 19. ADOPTION OF RESOLUTION, LAYOFF / REDUCTIONS OF HOURS OF CLASSIFIED EMPLOYEES / POSITIONS FOR FISCAL YEAR 2013-14
It was moved by Ms. Amy Herman, seconded by Ms. Beth Hergesheimer, to adopt Resolution initiating Layoff and/or Reductions of Hours and/or Months of Classified Employees/Positions for Fiscal Year 2013-14, as presented. Motion unanimously carried.
- 20. ADOPTION OF RESOLUTION / SAN DIEGO COUNTY SCHOOL FACILITY AUTHORITY JPA (FACJPA) MEMBERSHIP
It was moved by Ms. Joyce Dalessandro, seconded by Ms. Beth Hergesheimer, to adopt the attached Resolution Approving and Authorizing Execution of a Joint Exercise of Powers Agreement with Respect to School Facility Planning and Construction Projects to become a member of the San Diego County School Facility Authority JPA. Motion unanimously carried.
- 21. COMMUNITY FACILITIES DISTRICT 95-2 / ANNEXATION NO. 3 / ADOPTION OF RESOLUTION CERTIFYING ELECTION RESULTS / LA COSTA TOWN SQUARE / A 63-UNIT FAMILY SUBDIVISION/DEVELOPMENT / SOLUTIONS 2LAC, LLC
It was moved by Ms. Amy Herman, seconded by Ms. Beth Hergesheimer, to adopt the Resolution of the Board of Trustees of the San Dieguito Union High School District Acting as the Legislative Body of the San Dieguito Union High School District Community Facilities District No. 95-2, Certifying the Election Results, as presented. Motion unanimously carried.

INFORMATION ITEMS (ITEMS 22 - 31)

- 22. UNIFORM COMPLAINT QUARTERLY REPORT, 3RD QUARTER, JANUARY – MARCH, 2013
This item was submitted as information only, for the third quarter, January through March, 2013, as presented.
- 23. PROPOSED BOARD POLICY REVISIONS / HUMAN RESOURCES, (9 TOTAL), AS PRESENTED.
These policies were presented for first read and will be resubmitted for board action on May 16, 2013.
- 24. BUSINESS SERVICES UPDATE ERIC DILL, ASSOCIATE SUPERINTENDENT
Mr. Dill stated that the Governor’s budget may be close to completion; an update will be provided at the next meeting.
- 25. HUMAN RESOURCES UPDATE TORRIE NORTON, EXECUTIVE SUPERINTENDENT
Ms. Norton had nothing further to report.
- 26. EDUCATIONAL SERVICES UPDATE RICK SCHMITT, DEPUTY SUPERINTENDENT

Mr. Schmitt gave an update on total student enrollment by site. He also presented Final 2011-12 Reported Dropout Data. For details, see attached handouts.

27. PUBLIC COMMENTS – The following members of the public addressed the Board:

- N. Harris - addressed the district’s policy regarding students requesting a leave of absence.

The following students addressed the cancellation of a journalism class at La Costa Canyon High School:

- Megan Maneiro
- Rebecca Zilberman
- Laila Al-Shamma
- Chase McAllister
- Anthony Fregoso

28. FUTURE AGENDA ITEMS - None discussed.

29. ADJOURNMENT TO CLOSED SESSION – Not required.

30. CLOSED SESSION – Nothing further to report out of closed session.

31. ADJOURNMENT OF MEETING - Meeting adjourned at 8:00 PM.

Beth Hergesheimer, Board Clerk

____ / ____ / 2013
Date

Ken Noah, Superintendent

____ / ____ / 2013
Date

Final 2011-12 Reported Dropout Data

Rate	9 th	10 th	11 th	12 th	2011-12 Dropouts	2011-12 9-12 Enrollment	2010-11 4yr Cohort Grad Rate	2010-11 4yr Cohort Dropout
San Dieguito	0	0	1	0	1	1584	100.0%	0.0%
Torrey Pines	0	0	0	8	8	2686	98.5%	0.6%
*North Coast	0	0	2	5	7	51	96.2%	2.6%
*Sunset	0	1	2	7	10	132	96.2%	2.6%
La Costa Canyon	0	0	0	9	9	2259	95.8%	2.7%
Canyon Crest	0	0	0	0	0	1839	99.8%	0.2%
NPS	0	0	0	1	1	49	80.0%	0.0%
Total Enrollment						8600		
Total Dropouts	0	1	5	30	36			

* ASAM schools use the district-wide cohort dropout rate.

2005-06	175
2006-07	119
2007-08	58
2008-09	60
2009-10	55
2010-11	50
2011-12	36

Students entering grade nine for the first time in the fall of 2007-2008 school year form the basis of the Class of 2010-11 cohort. The cohort is then adjusted by:

- **Adding** any students who transfer in later during grade nine (2007-08 school year) and during any of the next three years (grade ten in 2008-09, grade eleven in 2009-10, and grade twelve in 2010-11).
- **Subtracting** students who transfer out to another school or program leading to a high school diploma (e.g., a school in another state, a private school, a home-schooling program, an adult education program, another institution with a high school diploma program), emigrate to another country, or die during the course of the 2007 through 2010-11 school years.

Cohort dropouts are students who leave the 9-12 instructional system without a high school diploma, GED, or special education certificate of completion and are not still enrolled after the end of the fourth year.

San Dieguito Union High School District

2012-2013

Active Students by Grade

5/1/2013

Carmel Valley Middle School

+/- 4/1

Grade	Female	Male	Total	
7	344	382	726	
8	393	374	767	
School Total:	737	756	1493	-2

Diegueno Middle School

Grade	Female	Male	Total	
7	193	196	389	
8	213	208	421	
School Total:	406	404	810	-1

Oak Crest Middle School

Grade	Female	Male	Total	
7	229	223	452	
8	203	228	431	
School Total:	432	451	883	+3

Earl Warren Middle School

Grade	Female	Male	Total	
7	170	175	345	
8	170	191	361	
School Total:	340	366	706	+1

San Dieguito Academy

Grade	Female	Male	Total	
9	210	182	392	
10	169	195	364	
11	211	210	421	
12	180	197	377	
School Total:	770	784	1554	-3

Torrey Pines High School

Grade	Female	Male	Total	
9	306	378	684	
10	352	346	698	
11	286	314	600	
12	264	339	603	
School Total:	1208	1377	2585	-9

North Coast Alternative

Grade	Female	Male	Total	
9	3	2	5	
10	7	0	7	
11	7	7	14	
12	5	9	14	
School Total:	22	18	40	+1

Sunset High School

Grade	Female	Male	Total	
9	5	1	6	
10	14	18	32	
11	29	37	66	
12	29	37	66	
School Total:	77	93	170	+1

La Costa Canyon High School

Grade	Female	Male	Total	
9	243	255	498	
10	255	299	554	
11	230	245	475	
12	244	276	520	
School Total:	972	1075	2047	-3

Canyon Crest Academy

Grade	Female	Male	Total	
9	244	207	451	
10	234	222	456	
11	263	217	480	
12	224	210	434	
School Total:	965	856	1821	-10

Grand Total:	5929	6180	12109	-22
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Board of Trustees
Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Superintendent
Ken Noah



Union High School District

MINUTES

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL CLOSED SESSION**

**WEDNESDAY, MAY 1, 2013
2:30 PM**

**DISTRICT OFFICE BOARD ROOM
710 ENCINITAS BLVD., ENCINITAS, CA 92024**

The Governing Board of the San Dieguito Union High School District conducted a Special Closed Session on Wednesday, May 1, 2013, at the above location.

Attendance / Board:

Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Attendance / Leadership Associates Consultants:

Rene Townsend, Ed.D.
Dennis Smith, Ed.D.
Mike Caston, Ed.D.

1. CALL TO ORDER

The meeting was called to order at 2:30 PM.

2. CALL FOR PUBLIC COMMENTS REGARDING CLOSED SESSION

There were no public comments presented regarding Closed Session; The Board convened to Closed Session at 2:31 PM.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the District Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability

Canyon Crest Academy • Carmel Valley MS • Diegueño MS • Earl Warren MS • La Costa Canyon HS • North Coast Alternative HS
Oak Crest MS • San Dieguito Adult Education • San Dieguito Academy • Sunset HS • Torrey Pines HS

DISCUSSION ITEM

3. CLOSED SESSION

The Board met to review candidate applications and to identify candidates to interview for the position of Superintendent, Pursuant to Gov't Code §54957

4. ADJOURNMENT

The meeting was adjourned at 4:40 PM.

Beth Hergesheimer, Board Clerk

Date

Ken Noah, Superintendent

Date

Board of Trustees
Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Superintendent
Ken Noah



MINUTES

Union High School District

**SAN DIEGUITO UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL CLOSED SESSION**

**WEDNESDAY, MAY 8, 2013
8:00 AM**

**12526 HIGH BLUFF DRIVE, SUITE 300
SAN DIEGO, CA 92130**

The Governing Board of the San Dieguito Union High School District conducted a Special Closed Session on Wednesday, May 8, 2013, at the above location.

Attendance / Board:

Joyce Dalessandro
Barbara Groth
Beth Hergesheimer
Amy Herman
John Salazar

Attendance / Leadership Associates Consultants:

Rene Townsend, Ed.D.
Dennis Smith, Ed.D.

1. CALL TO ORDER

The meeting was called to order at 8:00 AM.

2. CALL FOR PUBLIC COMMENTS REGARDING CLOSED SESSION

There were no public comments presented regarding Closed Session; The Board convened to Closed Session at 8:01 AM.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the District Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability

Canyon Crest Academy • Carmel Valley MS • Diegueño MS • Earl Warren MS • La Costa Canyon HS • North Coast Alternative HS
Oak Crest MS • San Dieguito Adult Education • San Dieguito Academy • Sunset HS • Torrey Pines HS

DISCUSSION ITEM

3. CLOSED SESSION

The Board conducted interviews of candidates for the position of Superintendent, Pursuant to Gov't Code §54957

4. ADJOURNMENT

The meeting was adjourned at 3:00 PM.

Beth Hergesheimer, Board Clerk

Date

Ken Noah, Superintendent

Date

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 3, 2013

BOARD MEETING DATE: May 16, 2013

**PREPARED AND
SUBMITTED BY:** Ken Noah, Superintendent

SUBJECT: ACCEPTANCE OF GIFTS AND DONATIONS

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EXECUTIVE SUMMARY

The district administration is requesting acceptance of gifts and donations to the district as shown on the following report.

RECOMMENDATION:

The administration recommends that the Board accept the gifts and donations to the district as shown on the following report.

FUNDING SOURCE:

Not applicable

KN/bb

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: April 23, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Rick Schmitt
Deputy Superintendent

SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: Approval / Ratification of Field Trip
Requests

EXECUTIVE SUMMARY

The district administration is requesting approval / ratification of out-of-state, overnight, and / or out-of-county field trips, as shown on the attached reports.

RECOMMENDATION:

The administration recommends that the Board approve / ratify the field trips, as shown on the attached supplement.

FUNDING SOURCE:

As listed on the attached supplement.

FIELD TRIP REQUESTS
SDUHSD BOARD MEETING
May 16, 2013

Item #	Date	Sponsor, Last Name	First Name	School Team/Club	Total # Students	Total # Chaperones	Event Description / Name of Conference	City	State	Loss of Class Time	\$ Cost
1	11/01/13 - 11/02/13	Dean	Brennan	TPHS Girls Volleyball	16	5	Girls Volleyball Tournament of Champions	Santa Barbara	CA	2 Days	TPHS Foundation
2	09/20/13 - 09/21/13	Dean	Brennan	TPHS Girls Volleyball	12	5	Girls Volleyball Tournament Durango Fall Classic	Henderson	NV	2 Days	TPHS Foundation
3	05/17/13	Willcox	Amy	TPHS Advanced Orchestra	40	1	SCSBOA Regionals Festival	Ontario	CA	1 Day	TPHS Foundation

* Dollar amounts are listed only when District/site funds are being spent.
 Other activities are paid for by student fees or ASB funds.

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 10, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Becky Banning, Executive Assistant to
the Superintendent

SUBMITTED BY: Ken Noah,
Superintendent

SUBJECT: APPROVAL OF CALIFORNIA
INTERSCHOLASTIC FEDERATION (CIF),
SAN DIEGO SECTION / CONTINUING
MEMBERSHIP AGREEMENT, 2013 - 2014

EXECUTIVE SUMMARY

The attached agreement is for annual renewal purposes of the District's application for voluntary membership in the California Interscholastic Federation (CIF) – San Diego Section. CIF requires that participating districts submit renewals annually in order for schools to participate in athletic competitions.

RECOMMENDATION:

The administration recommends that the Board approve the contract as shown.

FUNDING SOURCE:

N/A

2013-14
CALIFORNIA INTERSCHOLASTIC FEDERATION – SAN DIEGO SECTION

REQUEST FOR CONTINUING MEMBERSHIP AND AGREEMENT
TO CONDITIONS OF MEMBERSHIP

DUE ON OR BEFORE AUGUST 1 EACH SCHOOL YEAR

The superintendent and board of trustees of the school district/private school identified below renew its application for voluntary membership in the California Interscholastic Federation – San Diego Section (CIFSDS) and affirm and agree as follows:

1. That membership in the CIFSDS is voluntary and conditioned upon actual compliance with the conditions of membership as set forth at Article 2 Section 22 of the State CIF Constitution and Bylaws and the CIFSDS application for membership;
2. That the superintendent, board of trustees and each school in the district accept and adopt the “Sixteen Principles of Pursuing Victory with Honor” as operating principles;
3. That membership in the CIFSDS is a privilege, not a right;
4. That student participation in interscholastic athletics is a privilege, not a right;
5. That participation by member schools in the CIFSDS playoffs is a privilege, not a right;
6. That the CIFSDS will adopt bylaws, policies and procedures in accordance with its governance and will enforce those bylaws, policies and procedures consistently and in accordance with the operating principles;
7. That the superintendent, board of trustees, each school in the district **and its employees, to include but not limited to, its coaches, volunteers, team attendants or the like, and booster organizations** for each school will abide by the decisions of the CIFSDS and seek redress of any grievance only through the adopted procedures of the CIFSDS;
8. That the superintendent, board of trustees, school administration, and coaches **(including booster organizations and team attendants and volunteers)** of each school in the district will not take an adverse position to the CIFSDS at any time; or encourage, expressly or impliedly, that a party take any adverse action against the CIFSDS; or benefit from any adverse decision imposed on the CIFSDS that contravenes a bylaw, or the spirit of a bylaw, adopted by the membership;
9. That a failure by the district, site administration or coaching staff to abide by the current rules, regulations or decisions of the CIF or CIFSDS may cause the school district or one of its schools to be subject to discipline up to and including exclusion from membership in the CIFSDS.

AGREED AND ACCEPTED:

San Dieguito Union High School District

Beth Hergesheimer, Board Clerk

Date

Ken Noah, Superintendent

Date

- Return to: CIFSDS: 2131 Pan American Plaza; San Diego, CA 92101; Attn: Compliance

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 3, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED AND SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: AUTHORIZATION OF SCHOOLS' ATHLETIC LEAGUE REPRESENTATIVES, 2013 - 2014

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EXECUTIVE SUMMARY

The bylaws of the State of California Interscholastic Federation (CIF) require that the Governing Board of the District each year identify the individuals who will serve as the schools' representative to the athletic league that presides over the schools' interscholastic athletic program.

RECOMMENDATION:

It is recommended that the following administrators be designated as the school representatives and alternates to the league for the 2013-2014 school year:

<u>School</u>	<u>League Representative</u>	<u>Alternate</u>
CCA	Brian Kohn (TBA)	Assistant Principal or Designee
LCC	Kyle Ruggles	Assistant Principal or Designee
SDA	Tim Hornig	Assistant Principal or Designee
TPHS	Brett Killeen	Assistant Principal or Designee

FUNDING SOURCE:

Not applicable

bb

2013-2014 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE) no later than July 2, 2013.**

San Dieguito Union High School District/Governing Board at its May 16, 2013 meeting,
(Name of school district/governing board) (Date)

appointed the following individual(s) to serve for the 2013-2014 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES

NAME OF SCHOOL Canyon Crest Academy
NAME OF REPRESENTATIVE Brian Kohn POSITION Principal
ADDRESS 5951 Village Center Loop Road CITY San Diego ZIP 92130
PHONE 858.350.0253 FAX 858.350.0280 E-MAIL brian.kohn@sduhd.net

NAME OF SCHOOL La Costa Canyon High School
NAME OF REPRESENTATIVE Kyle Ruggles, Ed.D. POSITION Principal
ADDRESS 1 Maverick Way CITY Carlsbad ZIP 92009
PHONE 760.436.6136 FAX 760.753.8142 E-MAIL kyle.ruggles@sduhsd.net

NAME OF SCHOOL San Dieguito Academy
NAME OF REPRESENTATIVE Tim Hornig POSITION Principal
ADDRESS 800 Santa Fe Road CITY Encinitas ZIP 92024
PHONE 760.753.1121 FAX 760.753.8142 E-MAIL tim.hornig@sduhsd.net

NAME OF SCHOOL Torrey Pines High School
NAME OF REPRESENTATIVE Brett Killeen POSITION Principal
ADDRESS 3710 Del Mar Heights Road CITY San Diego ZIP 92130
PHONE 858.755.0125 FAX 858.481.0098 E-MAIL brett.killeen@sduhsd.net

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name Ken Noah Signature
Address 710 Encinitas Blvd City Encinitas Zip 92024
Phone 760.653.6491 ext 5565 Fax 760.943.3501

**PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE.
SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.**

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 7, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Torrie Norton
Associate Superintendent/Human Resources

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL OF CERTIFICATED and
CLASSIFIED PERSONNEL

EXECUTIVE SUMMARY

Please find the following Personnel actions attached for Board Approval:

Certificated

Employment
Leave of Absence

Classified

Employment
Resignation

RECOMMENDATION:

It is recommended that the Board approve the attached Personnel actions.

FUNDING SOURCE:

General Fund

PERSONNEL LIST

CERTIFICATED PERSONNEL

Employment

1. **Kelly Coward**, 100% Temporary Teacher (Culinary Arts) at Torrey Pines High School for the 2013-14 school year, effective 8/20/13 through 6/13/14.

Leave of Absence

1. **John Danssaert**, Teacher (math & physics) at Canyon Crest Academy, requests a 100% Unpaid Leave of Absence for Semester I/2013-14 school year, effective 8/20/13 through 1/24/14; John will resume his 100% assignment Semester II, effective 1/27/14.
2. **Ariel Haas**, Teacher (biology) at Canyon Crest Academy, requests a 33% Unpaid Leave of Absence (67% assignment) for Semester I/2013-14 school year, effective 8/20/13 through 1/24/14; Ariel will resume his 100% assignment Semester II, effective 1/27/14.
3. **Enid Robert**, Teacher (English) at Oak Crest Middle School, requests a 20% Unpaid Leave of Absence (80% assignment) for the 2013-14 school year, effective 8/20/13 through 6/13/14.
4. **Diana Spragg**, Teacher (math) at Canyon Crest Academy, requests a 100% Unpaid Leave of Absence for Semester I/2013-14 school year, effective 8/20/13 through 1/24/14; She also requests a 33% Unpaid Leave of Absence (67% assignment) for Semester II, effective 1/27/14 through 6/13/14.
5. **Tracy Yates**, Teacher (dance) at Canyon Crest Academy, requests a 33% Unpaid Leave of Absence (67% assignment) for the 2013-14 school year, effective 8/20/13 through 6/13/14.
6. **Kellee Ybarra**, Teacher (math) at Carmel Valley Middle School, requests approval to revise Leave of Absence for the 2013-14 school year, from a 40% Unpaid Leave to a 20% Unpaid Leave (80% assignment), effective 8/20/13 through 6/13/14.

PERSONNEL LIST

CLASSIFIED PERSONNEL

Change in Assignment

1. **Dewitt, Donovan**, School Bus Driver, SR38, 50% FTE, additional assignment of Nutrition Services Assistant I, SR25, 31.3% FTE, Earl Warren MS, effective 5/01/13

Resignation

1. **Garcia, Jose**, Nutrition Services Assistant I, SR25, 43.8% FTE, San Dieguito Academy Cafeteria, resignation effective 4/30/13

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Christina M. Bennett, Director of Purchasing/Risk Mgt
Eric R. Dill, Associate Superintendent/Business

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL/RATIFICATION OF
PROFESSIONAL SERVICES CONTRACT/ HUMAN
RESOURCES

EXECUTIVE SUMMARY

The attached Professional Services Report/Human Resources summarizes one contract.

RECOMMENDATION:

The administration recommends that the Board approve and/or ratify the contract, as shown in the attached Professional Services Report.

FUNDING SOURCE:

As noted on attached list.

ITEM 12B

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

HUMAN RESOURCES - PROFESSIONAL SERVICES REPORT

Date: 05-16-13

<u>Contract Effective Dates</u>	<u>Consultant/ Vendor</u>	<u>Description of Services</u>	<u>School/ Department Budget</u>	<u>Fee Not to Exceed</u>
07/01/13 – 06/30/16	Azusa Pacific University	Student teacher services	NA	NA

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Michael Grove, Executive Director of Curriculum,
Instruction and Assessment
Rick Schmitt, Deputy Superintendent

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL/RATIFICATION OF
PROFESSIONAL SERVICES CONTRACT/
EDUCATIONAL SERVICES

EXECUTIVE SUMMARY

The attached Professional Services Report/Educational Services summarizes one contract.

RECOMMENDATION:

The administration recommends that the Board approve and/or ratify the contract, as shown in the attached Professional Services Report.

FUNDING SOURCE:

As noted on attached list

ITEM 13A

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

EDUCATIONAL SERVICES - PROFESSIONAL SERVICES REPORT

Date: 05-16-13

<u>Contract Effective Dates</u>	<u>Consultant/ Vendor</u>	<u>Description of Services</u>	<u>School/ Department Budget</u>	<u>Fee Not to Exceed</u>
05/17/13 – 06/30/13 and then renewing annually until terminated with 30 day notice	Industrial Electric Commercial Parts & Service, Inc.	Provide an annual Planned Preventative Maintenance Program (PPMP) and time and material “per district request” services on the commercial cooking and refrigeration equipment currently located at San Dieguito High School Academy	General Fund 03-00	\$295.00 per annual PPMP not including parts, freight charges, and taxes. \$94.00 for the first half hour of labor and travel for “per district request services” and \$94.00 per hour thereafter (charged in 15 minute increments). \$0.94 per mile for travel

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Michael Grove, Executive Director of Curriculum,
Instruction and Assessment
Rick Schmitt, Deputy Superintendent

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL/RATIFICATION OF
AMENDMENT TO AGREEMENTS

EXECUTIVE SUMMARY

The attached Professional Services Report/Educational Services summarizes one amendment to agreements.

RECOMMENDATION:

The administration recommends that the Board approve and/or ratify the contract, as shown in the attached Professional Services Report.

FUNDING SOURCE:

As noted on attached list

ITEM 13B

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

EDUCATIONAL SERVICES - AMENDMENT TO AGREEMENTS REPORT

Date: 05-16-13

<u>Contract Effective Dates</u>	<u>Consultant/ Vendor</u>	<u>Description of Services</u>	<u>School/ Department Budget</u>	<u>Fee Not to Exceed</u>
NA	Carmel Valley Recreation Center	Increasing the not to exceed amount for facility leases for Adult Education classes	Adult Education Fund 11-00	\$5,685.00

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Chuck Adams, Director of Special Education
Rick Schmitt, Deputy Superintendent

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL OF PARENT SETTLEMENT
AGREEMENT

EXECUTIVE SUMMARY

The attached Special Education Agreement report summarizes a Parent Settlement Agreement.

RECOMMENDATION:

The administration recommends that the Board approve and/or ratify the settlement, and authorize the Director of Special Education to execute the agreement, as shown on the attached Special Education Agreements report.

FUNDING SOURCE:

As noted on the attached report.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT BOARD MEETING

ITEM 14C

SPECIAL EDUCATION AGREEMENTS

DATE: 5-16-13

<u>Student SSID No.</u>	<u>Description of Services</u>	<u>Date Executed</u>	<u>School/Department Budget</u>	<u>Amount</u>
1097044053	Parent Settlement Agreement	05-09-13	General Fund Special Education 06-00	\$8,500.00 for compensatory education, during the period May 16, 2013 through June 30, 2014 plus \$6,500.00 for parent reimbursement

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Christina M. Bennett, Director of Purchasing/Risk Mgt
Eric R. Dill, Associate Superintendent/Business

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL/RATIFICATION OF
PROFESSIONAL SERVICES CONTRACT/
BUSINESS

EXECUTIVE SUMMARY

The attached Professional Services Report/Business summarizes one contract.

RECOMMENDATION:

The administration recommends that the Board approve and/or ratify the contract, as shown in the attached Professional Services Report.

FUNDING SOURCE:

As noted on attached report.

ITEM 15A

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

BUSINESS - PROFESSIONAL SERVICES REPORT

Date: 05-16-13

<u>Contract Effective Dates</u>	<u>Contractor/ Vendor</u>	<u>Description of Services</u>	<u>School/ Department Budget</u>	<u>Fee Not to Exceed</u>
05/17/13 – 06/30/14	Axiom Advisors & Consultants, Inc.	Provide non-block grant mandate reimbursement services	General Fund 03-00	\$2,000.00 for the Behavioral Intervention Plans mandate for fiscal years 1993-94 through 2011-12. \$225.00 per school site for mandate compliance check and outside audit preparation. 10% filing fee not to exceed \$1,000.00 per claim for all new and on-going mandate filing services

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 8, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Eric R. Dill
Associate Superintendent, Business

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL OF BUSINESS REPORTS

EXECUTIVE SUMMARY

Please find the following business reports submitted for your approval:

1. Purchase Orders
2. Membership Listing (None Submitted)

RECOMMENDATION:

It is recommended that the Board approve the following business reports: 1) Purchase Orders, and 2) Membership Listings (None Submitted).

FUNDING SOURCE:

Not applicable

PO/BOARD/REPORT

SAN DIEGUITO UNION HIGH
FROM 04/23/13 THRU 05/06/13ITEM 15F¹

PO NBR	DATE	FUND	VENDOR	LOC	DESCRIPTION	AMOUNT
232361	04/23/13	03	FISHER SCIENTIFIC EM	012	MATERIALS AND SUPPLI	\$349.61
232362	04/23/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$48.35
232363	04/23/13	03	RASIX COMPUTER CENTE	014	AERIES SUPPLIES	\$1,290.69
232364	04/23/13	03	E A I EDUCATION	012	MATERIALS AND SUPPLI	\$425.52
232366	04/24/13	03	GOPHER SPORT	003	MATERIALS AND SUPPLI	\$96.53
232367	04/24/13	03	COSTCO CARLSBAD	014	MATERIALS AND SUPPLI	\$67.96
232368	04/24/13	03	U T SAN DIEGO NCT (N	025	ADVERTISING	\$374.08
232369	04/24/13	03	FREDRICKS ELECTRIC I	035	OTHER SERV. & OPER.EX	\$4,867.00
232370	04/24/13	25-18	FREDRICKS ELECTRIC I	035	IMPROVEMENT	\$487.50
232371	04/24/13	13	FREDRICKS ELECTRIC I	031	OTHER SERV. & OPER.EX	\$1,006.00
232372	04/24/13	03	URBAN TREE CARE, INC	025	OTHER SERV. & OPER.EX	\$273.00
232373	04/24/13	03	PACIFIC BACKFLOW, IN	025	REPAIRS BY VENDORS	\$230.00
232374	04/24/13	03	PACIFIC BACKFLOW, IN	025	REPAIRS BY VENDORS	\$1,466.00
232375	04/24/13	06	SAFETY KLEEN CORP	028	HAZARDOUS WASTE DISP	\$1,616.11
232376	04/25/13	21-39	E-BUILDER, INC.	036	TECHNOLOGY EQUIPMENT	\$59,911.00
232377	04/25/13	03	LOGICAL CHOICE TECHN	035	NON-CAPITALIZED TECH	\$787.43
232378	04/25/13	21-09	D L A PIPER LLP US	036	LEGAL EXP-BUSINESS	\$3,844.62
232379	04/25/13	21-39	LATITUDE 33 PLANNING	036	IMPROVEMENT	\$15,850.00
232380	04/25/13	03	PREMIER FOOD SERVICE	024	REFRESHMENTS	\$7,558.90
232381	04/25/13	03	RASIX COMPUTER CENTE	030	MATERIALS AND SUPPLI	\$415.26
232382	04/25/13	06	MISSION FEDERAL CRED	030	MATERIALS AND SUPPLI	\$41.31
232383	04/26/13	06	SAN DIEGO UNIFIED SC	030	OTH TUIT-X COST/DEFI	\$17,780.00
232384	04/26/13	06	BANYAN TREE EDUCATIO	030	OTHER CONTR-N.P.A.	\$5,108.80
232385	04/26/13	06	BANYAN TREE EDUCATIO	030	OTHER CONTR-N.P.A.	\$5,108.80
232386	04/26/13	06	BANYAN TREE EDUCATIO	030	OTHER CONTR-N.P.A.	\$19,924.32
232387	04/26/13	06	ENCINITAS LEARNING C	030	OTHER CONTR-N.P.A.	\$11,200.00
232388	04/26/13	06	HERITAGE SCHOOLS	030	SUB/ROOM & BOARD	\$138,840.24
232389	04/26/13	21-39	CHALLENGE NEWS	036	LAND IMPROVEMENTS	\$68.75
232390	04/26/13	03	JERSEY MIKE'S SUBS	014	REFRESHMENTS	\$120.00
232391	04/26/13	21-39	SAN DIEGO DAILY TRAN	036	LAND IMPROVEMENTS	\$570.60
232392	04/26/13	03	EN POINTE TECHNOLOGI	035	COMPUTER LICENSING	\$5,702.36
232393	04/26/13	21-39	TRACE3, INC.	036	EQUIPMENT REPLACEMEN	\$83,883.60
232394	04/26/13	03	AREY JONES EDUCATION	035	NON-CAPITALIZED TECH	\$9,623.43
232395	04/26/13	03	PROCURETECH	035	MATERIALS AND SUPPLI	\$39.39
232396	04/26/13	03	AREY JONES EDUCATION	035	NON-CAPITALIZED TECH	\$1,112.49
232397	04/26/13	03	B&H PHOTO-VIDEO-PRO	035	NON-CAPITALIZED TECH	\$987.11
232398	05/05/13	21-39	TRACE3, INC.	010	EQUIPMENT REPLACEMEN	\$379,828.44
232399	04/26/13	06	AREY JONES EDUCATION	030	NON-CAPITALIZED TECH	\$1,130.34
232400	04/26/13	03	RASIX COMPUTER CENTE	003	MATERIALS AND SUPPLI	\$26.41
232401	04/26/13	06	CAREER KIDS, LLC	030	MATERIALS AND SUPPLI	\$1,504.86
232402	04/26/13	03	APPERSON EDUCATION P	005	MATERIALS AND SUPPLI	\$413.59
232403	04/29/13	21-09	TRACE3, INC.	036	EQUIPMENT REPLACEMEN	\$23,576.18
232404	04/29/13	06	SAROYAN LUMBER	005	MATERIALS AND SUPPLI	\$468.72
232405	04/29/13	21-39	FORERUNNER TELECOM	036	EQUIPMENT REPLACEMEN	\$2,900.00
232406	04/29/13	03	CAROLINA BIOLOGICAL	005	MATERIALS AND SUPPLI	\$414.84
232407	04/29/13	21-39	DDB UNLIMITED INC	036	IMPROVEMENT	\$3,595.89
232408	04/29/13	03	SAN DIEGO POLICE DEP	005	OTHER SERV. & OPER.EX	\$534.60
232409	04/29/13	03	PREMIER AGENDAS INC	008	MATERIALS AND SUPPLI	\$2,138.40
232410	04/29/13	03	SMART AND FINAL CORP	006	REFRESHMENTS	\$135.00
232411	04/29/13	21-39	TRACE3, INC.	036	EQUIPMENT REPLACEMEN	\$252,700.78
232412	04/29/13	03	LEADERSHIP ASSOCIATE	020	PROF/CONSULT./OPER E	\$26,500.00
232413	04/29/13	21-39	TRACE3, INC.	036	EQUIPMENT REPLACEMEN	\$277,719.52
232414	04/29/13	03	FISHER SCIENTIFIC EM	005	MATERIALS AND SUPPLI	\$225.41
232415	04/29/13	06	APPLE COMPUTER INC	013	NON-CAPITALIZED TECH	\$3,910.67
232416	04/29/13	03	FISHER SCIENTIFIC EM	005	MATERIALS AND SUPPLI	\$222.33

PO/BOARD/REPORT

SAN DIEGUITO UNION HIGH
FROM 04/23/13 THRU 05/06/13ITEM 15F²

PO NBR	DATE	FUND	VENDOR	LOC	DESCRIPTION	AMOUNT
232417	04/30/13	06	FOLLETT EDUCATIONAL	014	TEXTBOOKS	\$7,057.91
232418	04/30/13	11	DAN LEVINE PRODUCTIO	009	OTHER SERV. & OPER.EX	\$68.90
232419	04/30/13	03	SAN DIEGO COUNTY OFF	024	DUES AND MEMBERSHIPS	\$8,129.40
232421	04/30/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$4,104.86
232422	04/30/13	06	FOLLETT EDUCATIONAL	004	TEXTBOOKS	\$2,050.06
232423	04/30/13	06	FOLLETT EDUCATIONAL	005	TEXTBOOKS	\$13,211.51
232424	04/30/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$1,946.70
232425	04/30/13	06	FOLLETT EDUCATIONAL	013	TEXTBOOKS	\$2,998.62
232426	04/30/13	06	FOLLETT EDUCATIONAL	008	TEXTBOOKS	\$2,113.56
232427	04/30/13	06	FOLLETT EDUCATIONAL	014	TEXTBOOKS	\$1,203.66
232428	04/30/13	03	WEST COAST NETTING	003	MATERIALS AND SUPPLI	\$92.15
232429	04/30/13	03	ALLIED REFRIGERATION	025	NON CAPITALIZED EQUI	\$2,326.05
232430	04/30/13	03	WARD'S MEDIA TECH	035	MATERIALS AND SUPPLI	\$933.84
232431	04/30/13	06	SCRIPPS HEALTH	013	MATERIALS AND SUPPLI	\$1,539.00
232432	04/30/13	03	NETGRAM INC	013	PRINTING	\$440.64
232433	04/30/13	13	SAN DIEGO RESTAURANT	031	MATERIALS AND SUPPLI	\$1,802.79
232434	04/30/13	03	XEROX CORPORATION	005	DUPLICATING SUPPLIES	\$267.04
232435	04/30/13	03	VIRCO MANUFACTURING	013	MATERIALS AND SUPPLI	\$1,494.40
232436	04/30/13	03	STAPLES ADVANTAGE	013	AERIES SUPPLIES	\$217.80
232437	04/30/13	03	FLINN SCIENTIFIC INC	004	MATERIALS AND SUPPLI	\$313.23
232438	04/30/13	03	WARD'S MEDIA TECH	013	MATERIALS AND SUPPLI	\$467.92
232439	04/30/13	03	SOUTHWEST SCHOOL/OFF	014	MATERIALS AND SUPPLI	\$1,088.64
232440	04/30/13	03	BLICK, DICK (DICK BL	014	MATERIALS AND SUPPLI	\$1,529.36
232441	04/30/13	03	POWER SYSTEMS INC	014	MATERIALS AND SUPPLI	\$760.49
232442	04/30/13	03	MOORE MEDICAL, LLC	014	MATERIALS AND SUPPLI	\$86.85
232443	04/30/13	03	HOME DEPOT	013	MATERIALS AND SUPPLI	\$60.00
232444	04/30/13	03	MISSION FEDERAL CRED	013	MATERIALS AND SUPPLI	\$125.00
232445	04/30/13	03	RASIX COMPUTER CENTE	013	MATERIALS AND SUPPLI	\$36.39
232446	04/30/13	03	AMAZON.COM	013	MATERIALS AND SUPPLI	\$87.32
232447	04/30/13	03	ALPHA GRAPHICS	010	PRINTING	\$2,533.80
232449	04/30/13	03	HERFF JONES	013	MATERIALS AND SUPPLI	\$2,535.30
232451	04/30/13	03	WOODWIND & BRASSWIND	013	MATERIALS AND SUPPLI	\$194.40
232452	04/30/13	03	SCANTRON CORPORATION	013	MATERIALS AND SUPPLI	\$680.46
232453	04/30/13	03	SOUTHWEST SCHOOL/OFF	013	MATERIALS AND SUPPLI	\$58.34
232454	04/30/13	03/06	PREMIER AGENDAS INC	004	MATERIALS AND SUPPLI	\$4,428.00
232455	04/30/13	03	SCHOOL HEALTH CORPOR	014	MATERIALS AND SUPPLI	\$101.29
232456	04/30/13	03	WARD'S MEDIA TECH	012	MATERIALS AND SUPPLI	\$475.92
232457	04/30/13	03	CULVER NEWLIN INC	003	MATERIALS AND SUPPLI	\$540.94
232458	04/30/13	03	AMAZON.COM	012	MATERIALS AND SUPPLI	\$173.14
232459	04/30/13	03	HERFF JONES	013	MATERIALS AND SUPPLI	\$121.50
232460	04/30/13	03	ROYAL BUSINESS GROUP	022	OFFICE SUPPLIES	\$32.40
232461	05/01/13	03	FREY SCIENTIFIC CO	012	MATERIALS AND SUPPLI	\$43.85
232462	05/01/13	03	CAMBRIDGE EDUCATIONA	014	MATERIALS AND SUPPLI	\$615.30
232463	05/01/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$184.40
232464	05/01/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$89.53
232465	05/01/13	21-09	D A D ASPHALT	036	NON-CAPITALIZED IMPR	\$966.95
232466	05/01/13	03	SAN DIEGUITO TROPHY	012	MATERIALS AND SUPPLI	\$38.88
232467	05/01/13	03	WESTERN ENVIRONMENTA	025	OTHER SERV. & OPER.EX	\$1,125.00
232468	05/01/13	03	ONE STOP TONER AND I	023	MATERIALS AND SUPPLI	\$113.63
232469	05/01/13	03	RANCHO SANTA FE PROT	012	SECURITY GUARD CONTR	\$117.00
232470	05/01/13	06	WAYSIDE PUBLISHING	010	TEXTBOOKS	\$6,892.95
232471	05/01/13	06	CENGAGE LEARNING	010	TEXTBOOKS	\$10,406.13
232472	05/01/13	06	DAWN SIGN PRESS	010	TEXTBOOKS	\$7,959.69
232473	05/01/13	06	GLENCOE-MACMILLAN/MC	010	TEXTBOOKS	\$3,290.85
232474	05/01/13	06	JAPAN SHOP	013	TEXTBOOKS	\$1,227.20

PO/BOARD/REPORT

SAN DIEGUITO UNION HIGH
FROM 04/23/13 THRU 05/06/133
ITEM 15F

PO NBR	DATE	FUND	VENDOR	LOC	DESCRIPTION	AMOUNT
232475	05/01/13	06	AMAZON.COM	013	BOOKS OTHER THAN TEX	\$350.78
232476	05/01/13	06	PRENTICE HALL/REGENT	003	TEXTBOOKS	\$1,497.89
232477	05/01/13	06	E M C PARADIGM/JIST	013	TEXTBOOKS	\$2,004.53
232478	05/01/13	03	APPERSON EDUCATION P	004	MATERIALS AND SUPPLI	\$62.16
232479	05/01/13	03	RASIX COMPUTER CENTE	004	MATERIALS AND SUPPLI	\$112.97
232480	05/01/13	03	PAXTON/PATTERSON	008	MATERIALS AND SUPPLI	\$91.80
232481	05/01/13	03	STAPLES ADVANTAGE	008	MATERIALS AND SUPPLI	\$382.32
232482	05/01/13	03	PLAYSCRIPTS INC	008	MATERIALS AND SUPPLI	\$240.42
232483	05/01/13	06	FOLLETT EDUCATIONAL	004	TEXTBOOKS	\$2,343.33
232484	05/01/13	06	FOLLETT EDUCATIONAL	008	TEXTBOOKS	\$687.42
232485	05/01/13	06	FOLLETT EDUCATIONAL	005	TEXTBOOKS	\$7,711.74
232486	05/01/13	06	FOLLETT EDUCATIONAL	003	TEXTBOOKS	\$2,785.05
232487	05/01/13	06	FOLLETT EDUCATIONAL	005	TEXTBOOKS	\$7,214.40
232488	05/01/13	06	FOLLETT EDUCATIONAL	006	TEXTBOOKS	\$950.40
232489	05/01/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$2,228.04
232490	05/01/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$2,936.79
232491	05/01/13	06	WAYSIDE PUBLISHING	010	TEXTBOOKS	\$132.06
232492	05/01/13	06	FOLLETT EDUCATIONAL	013	TEXTBOOKS	\$3,498.23
232493	05/01/13	03	STAPLES ADVANTAGE	003	MATERIALS AND SUPPLI	\$222.12
232494	05/01/13	03	CULVER NEWLIN INC	003	NON CAPITALIZED EQUI	\$1,891.92
232495	05/01/13	03	MISSION FEDERAL CRED	012	MATERIALS AND SUPPLI	\$150.98
232496	05/02/13	03	B&H PHOTO-VIDEO-PRO	012	MATERIALS AND SUPPLI	\$185.75
232497	05/02/13	03	ABSOLUTE SECURITY IN	005	SECURITY GUARD CONTR	\$775.00
232498	05/02/13	03	SARGENT WELCH SCIENT	013	MATERIALS AND SUPPLI	\$2,009.39
232499	05/02/13	03	HOME DEPOT	013	MATERIALS AND SUPPLI	\$150.00
232500	05/02/13	03	RIO GRANDE	013	MATERIALS AND SUPPLI	\$88.06
232501	05/02/13	06	B&H PHOTO-VIDEO-PRO	013	MATERIALS AND SUPPLI	\$47.57
232502	05/02/13	03	MISSION FEDERAL CRED	013	MATERIALS AND SUPPLI	\$381.15
232503	05/02/13	06	T E R I INC	030	OTHER CONTR-N.P.S.	\$13,865.59
232504	05/02/13	06	SAN DIEGO CTR FOR VI	030	OTHER CONTR-N.P.A.	\$471.00
232505	05/02/13	03	PCM-G INC	035	COMPUTER LICENSING	\$700.00
232506	05/02/13	03	AMERICAN EXPRESS	013	CONFERENCE,WORKSHOP,	\$1,336.00
232507	05/02/13	03	AMERICAN EXPRESS	010	CONFERENCE,WORKSHOP,	\$1,158.00
232508	05/02/13	13	FREDRICKS ELECTRIC I	035	OTHER SERV.& OPER.EX	\$973.00
232509	05/02/13	03	FREDRICKS ELECTRIC I	035	NON-CAPITALIZED IMPR	\$4,850.00
232510	05/02/13	03	FREDRICKS ELECTRIC I	035	OTHER SERV.& OPER.EX	\$2,542.50
232511	05/02/13	03	MISSION FEDERAL CRED	013	MATERIALS AND SUPPLI	\$702.00
232512	05/02/13	03	AMAZON.COM	013	MATERIALS AND SUPPLI	\$63.15
232513	05/02/13	03	STAPLES ADVANTAGE	013	MATERIALS AND SUPPLI	\$28.63
232514	05/02/13	03	POWERMUSIC.COM	013	MATERIALS AND SUPPLI	\$99.40
232516	05/02/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$199.22
232517	05/02/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$200.33
232518	05/03/13	03	SOUTHWEST SCHOOL/OFF	013	MATERIALS AND SUPPLI	\$37.25
232519	05/03/13	03	BANG, DAVE ASSOCIATE	025	BLDG.-REPAIR MATERIA	\$257.75
232520	05/03/13	03	MISSION FEDERAL CRED	037	MATERIALS AND SUPPLI	\$1,375.75
232521	05/03/13	03	APEX MUSIC CO. INC.	012	MATERIALS AND SUPPLI	\$3,299.99
232522	05/03/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$196.79
232523	05/03/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$199.54
232524	05/03/13	06	HOME DEPOT	040	MATERIALS AND SUPPLI	\$285.00
232525	05/03/13	06	FOLLETT EDUCATIONAL	004	TEXTBOOKS	\$28,928.88
232526	05/03/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$8,368.92
232527	05/03/13	06	FOLLETT EDUCATIONAL	012	TEXTBOOKS	\$40,162.50
232528	05/03/13	06	FOLLETT EDUCATIONAL	003	TEXTBOOKS	\$1,026.00
232529	05/03/13	11	CONSTANT CONTACT INC	009	PROF/CONSULT./OPER E	\$384.00
232530	05/06/13	03	GOPHER SPORT	014	MATERIALS AND SUPPLI	\$2,214.58

PO/BOARD/REPORT

SAN DIEGUITO UNION HIGH
FROM 04/23/13 THRU 05/06/13ITEM 15F⁴

PO NBR	DATE	FUND	VENDOR	LOC	DESCRIPTION	AMOUNT
232531	05/06/13	03	AREY JONES EDUCATION	035	NON-CAPITALIZED TECH	\$5,725.21
232532	05/06/13	03	AREY JONES EDUCATION	035	NON-CAPITALIZED TECH	\$3,000.90
232533	05/06/13	03	AMERICAN CHEMICAL &	014	MATERIALS AND SUPPLI	\$233.28
232534	05/06/13	03	C C S PRESENTATION S	012	MATERIALS AND SUPPLI	\$154.44
232535	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$195.99
232536	05/06/13	03	ROYAL BUSINESS GROUP	005	PRINTING	\$90.99
232537	05/06/13	06	MATHESON TRI-GAS INC	013	NON CAPITALIZED EQUI	\$2,000.16
232538	05/06/13	03	MISSION FEDERAL CRED	013	MATERIALS AND SUPPLI	\$258.12
232539	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$230.40
232540	05/06/13	03	RAPHAEL'S PARTY RENT	005	RENTS & LEASES	\$1,050.00
232541	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$199.79
232542	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$199.08
232543	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$10.41
232544	05/06/13	03	STAPLES ADVANTAGE	012	MATERIALS AND SUPPLI	\$184.82
232545	05/06/13	06	MISSION FEDERAL CRED	014	MATERIALS AND SUPPLI	\$105.36
232547	05/06/13	03	CLASSIC PARTY RENTAL	010	RENTS & LEASES	\$909.00
232548	05/06/13	06	AMAZON.COM	014	MATERIALS AND SUPPLI	\$161.01
232549	05/06/13	03	RASIX COMPUTER CENTE	013	MATERIALS AND SUPPLI	\$273.65
232550	05/06/13	03	ONE STOP TONER AND I	004	MATERIALS AND SUPPLI	\$140.39
232551	05/06/13	03	WARD'S MEDIA TECH	012	MATERIALS AND SUPPLI	\$475.92
232552	05/06/13	06	STAPLES ADVANTAGE	014	MATERIALS AND SUPPLI	\$221.58
730034	04/29/13	03	AFFORDABLE PRINTER C	035	REPAIRS BY VENDORS	\$129.55
830070	04/24/13	03	AMERICAN EXPRESS	022	CONFERENCE,WORKSHOP,	\$624.00
830071	04/26/13	03	AMERICAN EXPRESS	022	CONFERENCE,WORKSHOP,	\$716.00
830072	05/02/13	03	AVID CENTER	022	CONFERENCE,WORKSHOP,	\$1,338.00
830073	05/02/13	03	AVID CENTER	022	CONFERENCE,WORKSHOP,	\$669.00
REPORT TOTAL						\$1,654,878.77

ITEM 15F

Individual Membership Listings
For the Period of April 23, 2013 through May 6, 2013

<u>Staff Member Name</u>	<u>Organization Name</u>	<u>Amount</u>
None to report		

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 3, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Christina M. Bennett, Dir. of Purchasing/Risk Mgt
John Addleman, Director of Planning Services
Eric Dill, Assoc. Superintendent, Business

SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: APPROVAL/RATIFICATION OF PROFESSIONAL
SERVICES CONTRACTS / PROPOSITION AA

EXECUTIVE SUMMARY

The attached Professional Services Report/Proposition AA summarizes twelve contracts.

Of note, one agreement pertains to Dell for the purchase and installation of an APC server rack with advanced cooling for the La Costa Canyon High School Server Room. The purchase and install of the server rack will be procured pursuant to District Board Policies 3310 and 3311, Purchasing Procedures and Bids, respectively, and to ensure these policies are being followed, the Board has adopted a Resolution on February 19, 2009 authorizing contracting pursuant to cooperative bid and award documents from Western States Contracting Alliance (WSCA) Computer Equipment, Software, Peripherals & Related Services Contract, State of Minnesota for the purchase of computer equipment, software, peripherals, & related services.

Western States Contracting Alliance (WSCA) is a national purchasing cooperative, comprised of western region states, of which California is a participant, established to achieve cost-effective, efficient, and legal acquisition of quality products and services. These contracting initiatives are administered by a western region state and follow a review process managed by the state directors from the western region.

Of note, two agreements for Field Turf USA pertain to synthetic turf for field replacement projects at Canyon Crest Academy and San Dieguito Academy. The purchase of the synthetic turf will be procured by California Multiple Award Schedules (CMAS). Like WSCA, the services and products will be procured pursuant to District Board Policies 3310 and 3311/AR-1, Purchasing Procedures and Bids, respectively, and to ensure these policies are being followed, the Board has adopted a Resolution on May 19, 2011 authorizing contracting

ITEM 15G

pursuant to cooperative bid and award documents from California Multiple Award Schedules. The amounts reflected in the attached report for Canyon Crest Academy and San Dieguito Academy includes a savings of \$83,818.00 and \$77,934.00 off the CMAS list pricing.

CMAS offers a wide variety of commodities, non-IT services and information technology products and services at prices which have been assessed to be fair, reasonable and competitive based on best value criteria pursuant to Public Contract Code 12100.7.

Also, procured by CMAS are two agreements for Intratek. Intratek will provide the setup and configuration of the District's network equipment that supports wide area network (WAN) and local area networks (LAN). As well, Intratek will set up and configure the District's new voice over internet protocol (VOIP) system. This will include the connection between the District's current phone system and the new VOIP system. They will also set up and configure the new bell and intercom system for the La Costa Canyon High School and Sunset High School sites, as well as the E 911 emergency response system.

Of note, two agreements pertain to preconstruction services. Gilbane Building Company was one of the five firms awarded a contract for preconstruction and estimating services related to master planning by the Board at the June 16, 2011 board meeting. At that time, District staff presented the results and recommendation from a RFQ for construction services with this goal in mind. Gilbane was one of the ten firms responding to that request. The services performed by Gilbane continue to be outstanding and therefore it is staff's recommendation that the firm continues to provide preconstruction services to the District related to the development of architectural plans for the La Costa Valley middle school site and the initial phases of the La Costa Canyon High School to include the technology infrastructure upgrade project and Fieldhouse. Future phases will be subject to the ongoing positive performance of the firm, and the availability of funding.

Of note, three agreements pertain to Materials Testing Labs and Specialty Inspection Services; Ninyo & Moore, Nova Services, and Southern California Soil & Testing, Inc. The three firms were selected from nine firms responding to the District's Request for Proposals B2013-08. The three firms will represent a pool by which the District may request such services. As each school project is developed, a proposal will be obtained and work directed by a notice to proceed (NTP) in order to track cost against the agreements' not to exceed amounts (NTE). Participation in the pool and future work will be subject to the ongoing positive performance of the firms, their capacity to perform such work and the availability of funding.

RECOMMENDATION:

It is recommended that the Board approve and/or ratify the professional services contracts, and authorize Christina M. Bennett, Eric R. Dill, or Ken Noah to execute the agreements, as noted in the attached supplement.

FUNDING SOURCE:

Building Fund-Prop 39 Fund 21-39, 50% reimbursement from Pardee Homes (Appraisal Agreement)

ITEM 15G

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT**PROPOSITION AA - PROFESSIONAL SERVICES REPORT**
FACILITIES PLANNING & CONSTRUCTION**Board Meeting Date: 05-16-13**

<u>Contract Effective Dates</u>	<u>Consultant/ Vendor</u>	<u>Description of Services</u>	<u>School/ Department Budget</u>	<u>Fee Not to Exceed</u>
May 17, 2013- August 17, 2013	Kitty Siino & Associates, Inc.	Appraisal Services Parcels 03 and 05 Pacific Highlands Ranch	Building Fund- Prop 39 Fund 21-39	\$7,000.00
May 17, 2013- August 17, 2013	Field Turf USA	Canyon Crest Academy Synthetic Turf for Field Replacement Project	Building Fund- Prop 39 Fund 21-39	\$657,260.00
May 17, 2013- August 17, 2013	Field Turf USA	San Dieguito Academy Synthetic Turf for Field Replacement Project	Building Fund- Prop 39 Fund 21-39	\$614,621.00
May 17, 2013-May 17, 2014	Gilbane Building Company	Pre-Construction Services La Costa Valley school site	Building Fund- Prop 39 Fund 21-39	\$92,900.00
May 17, 2013- May 17, 2014	Gilbane Building Company	Pre-Construction Services La Costa Canyon High School Phase 1A and Phase 1B	Building Fund- Prop 39 Fund 21-39	\$103,680.00
May 17, 2013- August 17, 2013	Dell	Purchase and installation of an APC Server rack with built in Air Conditioning for the La Costa Canyon High School Server Room	Building Fund- Prop 39 Fund 21-39	\$83,268.94 Tax Included Shipping NOT included

ITEM 15G

May 17, 2013-May 17, 2014	Ninyo & Moore	Materials Testing and Special Inspection Services on various sites, District may renew the contract annually up to five (5) years	Building Fund– Prop 39 Fund 21-39	\$200,000.00
May 17, 2013-May 17, 2014	Nova Services	Materials Testing and Special Inspection Services on various sites, District may renew the contract annually up to five (5) years	Building Fund– Prop 39 Fund 21-39	\$200,000.00
May 17, 2013-May 17, 2014	Southern California Soil & Testing, Inc.	Materials Testing and Special Inspection Services on various sites, District may renew the contract annually up to five (5) years	Building Fund– Prop 39 Fund 21-39	\$200,000.00
May 17, 2013 through completion	Intratek	LAN Implementation for VOIP	Building Fund– Prop 39 Fund 21-39	\$35,356.50
May 17, 2013 through completion	Intratek	UC and UCS Implementation for VOIP	Building Fund– Prop 39 Fund 21-39	\$64,165.50
May 17, 2013 through completion	Geocon, Inc.	Geotechnical investigation services at #5 Middle School	Building Fund– Prop 39 Fund 21-39	\$26,500.00

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Christina M. Bennett, Dir. of Purchasing/Risk Mgt
John Addleman, Director of Planning Services
Eric Dill, Assoc. Superintendent, Business

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: AWARD/RATIFICATION OF CONTRACTS

EXECUTIVE SUMMARY

Bids for construction of the Canyon Crest Academy Field Replacement Phase I project CB2013-01 were opened on April 30, 2013. This project was bid as a multi-prime project with three bid packages: athletic field replacement, survey, and SWPPP (Storm Water Pollution Prevention Plan). The Construction Manager for this project will be Balfour-Beatty, Inc. whose contract was approved at the April 4, 2013 board meeting.

The bids were reviewed by District Staff and the Construction Manager to determine the lowest responsive and responsible bidders. They came within an acceptable range from the bid estimate. A bid re-cap is provided on the attached sheet.

RECOMMENDATION:

Award/ratify the following contracts and authorize Christina M. Bennett or Eric R. Dill to execute all pertinent documents:

1. Byrom-Davey, Inc, Bid Package #1 Canyon Crest Academy Field Replacement - Field Replacement, during the period of May 23, 2013 through August 31, 2013, in the amount of \$1,793,529.00, to be expended from Building Fund–Prop 39 Fund 21-39.
2. J&B Engineers, Surveyors, Bid Package #2 Canyon Crest Academy Field Replacement - Surveying, during the period of May 23, 2013 through August 31, 2013, in the amount of \$10,950.00, to be expended from Building Fund–Prop 39 Fund 21-39.
3. David Beckwith & Associates, Bid Package #3 Canyon Crest Academy Field Replacement - SWPPP, during the period of May 23, 2013 through August 31, 2013, in the amount of \$85,000.00, to be expended from Building Fund–Prop 39 Fund 21-39.

FUNDING SOURCE:

ITEM 15H

Building Fund-Prop 39 Fund 21-39

ITEM 15H

**San Dieguito Union High School District
CCA Field Replacement Phase I**

**Official Bid Results 05-03-13
(Bid Opening 04-30-13)**

Company Name	Base Bid	BP#3 Unit Price Fiber Rolls	BP#3 Unit Price Silt Fence	Base Bid Low
BID PACKAGE 1 - Sports Field Contractors				
Byrom-Davey Inc.	\$1,793,529.00			\$1,793,529.00
Ohno Construction Co.	\$2,305,000.00			
Park West Landscape Construction	\$2,162,740.00			
BID PACKAGE 2 - Survey (Control & As-Builts)				
J & B Engineers, Surveyors	\$10,950.00			\$10,950.00
Masson & Associates	\$41,894.00			
BID PACKAGE 3 - SWPPP (Installers / Maintenance)				
David Beckwith and Associates	\$85,000.00	\$2.30	\$2.30	\$85,000.00
Summit Erosion Control	\$117,488.00	U/K	U/K	
				Total Bid Packages
				\$1,889,479.00
Base Bid Summary				
Bid Package #1 - Sports Field Contractors				
Byrom-Davey Inc.	\$1,793,529.00			
Bid Package #2 - Survey				
J & B Engineers, Surveyors	\$10,950.00			
Bid Package #3 - SWPPP				
David Beckwith & Associates	\$85,000.00			
Grand Total	\$1,889,479.00			

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 7, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Torrie Norton, Associate Superintendent,
Human Resources

SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: APPROVAL OF BOARD POLICIES - Personnel

EXECUTIVE SUMMARY

The following Board Policies are being submitted for second reading to align them with CSBA guidelines and recommendations:

BP 4100.2/4200.2/4300.2	Nondiscrimination in Employment	Revision
BP 4111/4211/4311	Recruitment and Selection	Revision
BP 4112.9/4219.9/4312.9	Employee Notifications	New Policy
BP 4118.1/4218.1/4318.1	Civil and Legal Rights	Revision
BP 4119.21/4219.21/4319.21	Professional Standards	New Policy
BP 4119.41/4219.41/4319.41	Employees with Infectious Disease	New Policy
BP 4122	Temporary/Substitute Personnel	Revision
BP 4138/4238/4338	Lactation Accommodation	New Policy
BP 4140/4240/4340	Bargaining Units	New Policy

RECOMMENDATION:

These policy changes were submitted for first reading at the May 2, 2013 meeting. It is recommended that the Board approve these revisions.

FUNDING SOURCE:

Not applicable.

PERSONNEL

4112.9; 4212.9; 4312.9

EMPLOYEE NOTIFICATIONS

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

Legal Reference:

EDUCATION CODE

231.5	Sexual harassment policy
17612	Notification of pesticide use
22455.5	STRS information to potential members
22461	Postretirement compensation limitation
35031	Non-reelection of superintendent, assistant superintendent, or manager of classified services
35171	Notice of regulations pertaining to certificated employee evaluations
37616	Notice of public hearing on year-round schedule
44031	Personnel file contents, inspection
44663-44664	Evaluation of certificated employees
44842	Reemployment notices, certificated employees
44896	Transfer of administrator or supervisor to teaching position
44916	Written statement of employment status
44929.21	Reelection or non-reelection of probationary employee after second year
44934	Notice of disciplinary action for cause
44938	Notice of unprofessional conduct and opportunity to correct
44940.5-44941	Notification of suspension and intent to dismiss
44948.3-44948.5	Dismissal of probationary employees
44949	Cause, notice and right to hearing
44951	Continuation in position unless notified, administrative or supervisory personnel
44954	Non-reelection of temporary employees
44955	Reduction in number of employees
45113	Notification of charges, classified employees
45117	Notice of layoff, classified employees
45169	Employee salary data, classified employees
45192	Industrial and accident leave
45195	Additional leave
46162	Notice of public hearing on block schedule
49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

PERSONNEL

4112.9; 4212.9; 4312.9

GOVERNMENT CODE

- 1126 Incompatible activities of employees
- 3100-3109 Oath or affirmation of allegiance
- 8355 Certification of drug-free workplace, including notification
- 12950 Sexual harassment
- 54957 Complaints against employees; right to open session
- 54963 Unauthorized disclosure of confidential information

HEALTH AND SAFETY CODE

- 104420 Tobacco-free schools
- 120875 Information on AIDS, AIDS-related conditions, and hepatitis B
- 120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE

- 2800.2 Notification of availability of continuation health coverage
- 3550-3553 Notifications re: workers' compensation benefits
- 5401 Workers' compensation; claim form and notice of potential eligibility

PENAL CODE

- 11165.7 Child Abuse and Neglect Reporting Act; notification requirement
- 11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE

- 2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2

- 7288.0 Sexual harassment training, provision of district policy

CODE OF REGULATIONS, TITLE 5

- 4622 Uniform complaint procedures
- 80303 Reports of change in employment status, alleged misconduct

CODE OF REGULATIONS, TITLE 8

- 3204 Employees exposed to blood-borne pathogens, access to exposure and medical records
- 5193 California blood-borne pathogens standard

UNITED STATES CODE, TITLE 38

- 4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement

UNITED STATES CODE, TITLE 41

- 8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 29

- 825.300 Family and Medical Leave Act; notice requirement

CODE OF FEDERAL REGULATIONS, TITLE 34

- 104.8 Nondiscrimination

PERSONNEL

4112.9; 4212.9; 4312.9

106.9 Dissemination of policy, nondiscrimination on basis of sex

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

PERSONNEL

4111; 4211; 4311

RECRUITMENT AND SELECTION

The Governing Board is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficient running of district operations.

The Superintendent shall develop fair

~~The District shall engage in fair and sound personnel practices in the appointment of all District employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.~~

~~As a general rule, the District will employ the most highly qualified person available for each~~ open, and transparent recruitment and selection processes and procedures which ensure that employees are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

~~When a position. Each~~ vacancy occurs, the Superintendent or designee shall review ~~will be advertised and the job description~~ for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of ~~shall include the minimum qualifications required and the additional qualifications, training and experience which the District believes to be important. It is incumbent on the staff members who are involved in the selection process to recommend only those~~ candidates.

The district's selection procedures shall include ~~who are properly certificated for the position and who, based on appropriate~~ screening processes ~~devices~~, interviews, observations, and recommendations from previous employers as necessary to identify the best possible candidate for a position. The Superintendent or designee may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able, ~~can be expected~~ to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law ~~professionally and highly competently~~.

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

RECRUITMENT FOR TEACHERS

Contingent upon available funding, the Superintendent or designee may provide incentives to recruit credentialed teachers to teach in any district school ranked in the bottom half of the state Academic Performance Index. Such incentives may include, but are not limited to, signing bonuses, improved work conditions, teacher compensation, or housing subsidies. (Education Code 44735)

PERSONNEL

4111; 4211; 4311

LEGAL REFERENCE

EDUCATION CODE

200-262.4 —261 Prohibition of ~~discrimination~~Discrimination on the Basis of Sex
44066 Limitations on ~~certification requirement~~Certification Requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44735 Incentive grants for recruiting teachers for low-performing schools
44740-44741 Personnel management assistance teams
44750 Teacher recruitment resource center
44830-44831 Employment of certificated persons
44830 — Employment Restricted Persons Possessing Prescribed Qualifications; Public Policy of State Against Discrimination on Basis of Race, etc.
44830.5 — Assignment of Certificated Employees to District, Ethnic Ratio
44858 Age or ~~marital status~~Marital Status in ~~certificated positions~~Employment Positions Requiring Certification Qualifications
44859 Prohibition against certain rules ~~Against Certain Rules~~ and ~~regulations re residency~~Regulations Re: Residency
45103-45139 Employment (classified employees)
49406 Examination for tuberculosis
52051 Academic Performance Index

GOVERNMENT CODE

815.2 Liability of public entities and public employees
12900-12996 Fair ~~ADMINISTRATIVE CODE, TITLE 5~~
~~30-31 Affirmative Action~~ Employment and Housing Act, including: ~~Programs~~
12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324a ~~GOVERNMENT CODE~~
~~12900~~ — Unlawful employment of aliens ~~Employment Practices~~
1324b Unfair immigration related practices

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 ~~12940 et seq.~~ — ~~Discrimination Prohibited~~ Title VII, Civil Rights Act of 1964
as amended
2000h-2-2000h-6 ~~by~~ Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

PERSONNEL

4111; 4211; 4311

Management Resources:

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Education Job Opportunities Information Network: <http://www.edjoin.org>

Teach USA: <http://www.calteach.org>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

NONDISCRIMINATION IN **EMPLOYMENT DISTRICT PROGRAMS AND ACTIVITIES**

It shall be the policy of the San Dieguito Union High School District to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from harassing or discriminating against any other district employee or job applicant ~~prohibit discrimination~~ on the basis of the person's actual or perceived ~~sex, disability,~~ race, religion, color, national origin, ancestry ~~religious creed,~~ age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe and pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The following position is designated as Coordinator for Nondiscrimination in Employment:

Associate Superintendent of Human Resources
San Dieguito Union HSD
710 Encinitas Blvd.
Encinitas, CA 92024
760-753-6491

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to ~~laws and~~ their supervisor immediately.

TRAINING AND NOTIFICATIONS

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

- ~~2000e-2000e-17 Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq., prohibiting discrimination on the basis of race, color, or national origin with regard to any program or activity receiving Federal financial assistance).~~
- Title VII, ~~of the Civil Rights Act of 1964, as amended (42 USC § 2000e et seq., prohibiting discrimination in employment on the basis of race, color, national origin, religion, or sex).~~
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
- 6101-6107 Age Education Amendments of 1972 (20 USC § 1681 et seq., prohibiting discrimination in federally assisted programs on the basis of sex by education institutions which receive Federal financial assistance).
- ~~12101-12213 Section 504 of the Rehabilitation Act of 1973 (29 USC § 794, prohibiting discrimination against otherwise qualified handicapped individuals with regard to any program or activity receiving Federal financial assistance).~~

Title I of the Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with ~~With~~ Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

- 106.8 Designation of responsible employee ~~of 1990 (42 USC § 12101 et seq., prohibiting discrimination against qualified individuals with a disability in hiring and adoption of grievance procedures employment practices).~~

106.9 Dissemination ~~Title II~~ of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with ~~With~~ Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

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

- Notice of Non-Discrimination, August 2010 ~~1990 (42 USC § 12101 et seq., prohibiting discrimination against qualified individuals with a disability in the services, programs, or activities of a public entity).~~

WEB SITES

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

- ~~• The Age Discrimination in Employment Act (29 USC § et seq., prohibiting age discrimination in employment against individuals who are at least forty years of age).~~
- ~~• California Government Code section 11135 (prohibiting discrimination on the basis of ethnic group identification, religion, age, sex, color, or disability with regard to any program or activity funded directly by the State of receiving financial assistance from the State).~~
- ~~• California Fair Employment and Housing Act (Gov. Code § 12900 et seq., prohibiting discrimination in employment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or sex, and prohibiting harassment of an employee or applicant because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, or age).~~
- ~~• California Education Code Sections 200 through 232 (prohibiting discrimination on the basis of sex in any program or activity conducted by an educational institution which receives or benefits from State financial assistance).~~
- ~~• California Labor Code Section 1102.1 (prohibiting discrimination in any aspect of employment or opportunity for employment based on actual or perceived sexual orientation).~~

~~The Superintendent shall designate appropriate member(s) of the Management Team who will be responsible for formulating and implementing District regulations that are designed to comply with the above-noted laws and their implementing regulations regarding the prohibition of discrimination or harassment. The implementation of this policy should be undertaken with the understanding that the purpose of the policy is not to impose curriculum requirements.~~

PERSONNEL

4118.1; 4218.1; 4318.1

CIVIL AND LEGAL RIGHTS

The Governing Board believes that ~~The~~ personal life of an employee is not an appropriate concern ~~for~~ ~~attention~~ of the ~~district, governing board~~ except as it may directly relate to the employee's performance of ~~prevent the employee from performing properly his/her~~ ~~duties~~ ~~assigned~~ ~~functions~~ during the workday.

An employee's personal beliefs ~~Employees shall be entitled to full rights of citizenship, and no religious or political~~ activities, including religious, political, cultural, social, or other beliefs ~~of any employee~~ or activities, or ~~the~~ lack thereof, shall not be grounds for disciplinary action against the employee, provided that ~~any discipline or discrimination with respect to the beliefs or professional employment of such employee, providing said~~ activities do not violate law, Board policy, or administrative regulation ~~any local, state or federal laws.~~

The district shall make no inquiry ~~Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the district~~ concerning the personal values, attitudes, and beliefs of district employees or their; sexual orientation or; political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide; critical appraisals of other individuals with whom the employee ~~teacher~~ has a ~~familial~~ family relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be disciplined; or retaliated against solely for acting to protect a student engaged in conduct authorized under ~~religious affiliations or beliefs.~~ (Education Code 48907 or 48950. ~~49091.24~~)

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

WHISTLEBLOWER PROTECTION

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.8)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

PERSONNEL

4118.1; 4218.1; 4318.1

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her, in accordance with Education Code 44114.

PROTECTION AGAINST LIABILITY

No employee shall be liable for harm caused by his/her act or omission when he/she is acting within the scope of employment or district responsibilities; when the employee's act or omission is in conformity with federal or state law, district policy, or administrative regulation; or when the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school.

1. The protection against liability shall not apply when:
2. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
3. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
4. The employee was not properly licensed, if required, by state law for such activities.
5. The employee was found by a court to have violated a federal or state civil rights law.
6. The employee was under the influence of alcohol or any drug at the time of the misconduct.
7. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
8. The misconduct involved a sexual offense for which the employee has been convicted in a court.
9. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Legal Reference:

LEGAL REFERENCE

CALIFORNIA EDUCATION CODE

200-262.4	Prohibition of discrimination
7050-7057.1 7050-7058	Political activities of school officers and employees
44040	Discrimination based on employee's appearance before certain boards or committees
44110-44114	Reporting by school Unlawful to discriminate solely because of employees of improper governmental activity
48907	Student freedom of expression; employee's protection of student rights
48950	Speech and other communication
49091.24	Teacher rights to refuse evaluation/survey of personal life

PERSONNEL

4118.1; 4218.1; 4318.1

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts
820-823 Tort claims act
825.6 Indemnification of public entity
3540.1 Public employment definitions
3543.5 Interference with employee's rights prohibited
12650-12656 False claims actions
12940-12951 Discrimination prohibited; unlawful practices

LABOR CODE

1102.5-1106 Whistleblower protections

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act

COURT DECISIONS

Hartnett v. Crosier, (2012) 205 Cal.App.4th 685
Johnson v. Poway Unified School District, (2011) 658 F.3d 954
Ohton v. CSU San Diego, (2007) 56 Cal.Rptr.3d 111
Garcetti v. Ceballos, (2006) 543 U.S. 1186
O'Conner v. Ortega, (1987) 480 U.S. 709
New Jersey v. T.L.O., (1985) 468 U.S. 325

Management Resources:

WEB SITES

California Attorney General: <http://www.oag.ca.gov>

~~44801~~ ~~Leave of absence for employees elected to the Legislature~~

PERSONNEL

4119.21; 4219.21; 4319.21

PROFESSIONAL STANDARDS

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity
9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including,

PERSONNEL

4119.21; 4219.21; 4319.21

but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district
14. Wearing inappropriate attire

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of, or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 44242.5 Reports and review of alleged misconduct

PENAL CODE

- 11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

- 80303 Reports of dismissal, resignation and other terminations for alleged misconduct
- 80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Educational Leadership Policy Standards: ISLLC 2008, 2008

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

PERSONNEL

4119.21; 4219.21; 4319.21

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

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

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

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

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

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

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.WestEd.org>

PERSONNEL

4119.41; 4219.41; 4319.41

EMPLOYEES WITH INFECTIOUS DISEASE

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, blood-borne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

NONDISCRIMINATION/REASONABLE ACCOMMODATION

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

Legal Reference:

EDUCATION CODE

PERSONNEL

4119.41; 4219.41; 4319.41

44839 Medical certificate; periodic medical examination
44839.5 Requirements for employment of retirant
49406 Examination for tuberculosis (employees)

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5-7294.2 Discrimination based on disability

CODE OF REGULATIONS, TITLE 5

5502-5504 Medical certification

CODE OF REGULATIONS, TITLE 17

2500 Reportable diseases and conditions
2508 Reporting of communicable diseases; duty of schools

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045
School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273

Management Resources:

CSBA PUBLICATIONS

H1N1 Influenza (Swine Flu), Fact Sheet, April 2009

Pandemic Influenza, Fact Sheet, September 2007

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

California HIV/AIDS Laws, 2009, January 2010

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES

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

California Department of Public Health: <http://www.cdph.ca.gov/>

California School Nurses Organization: <http://www.csno.org/>

Centers for Disease Control and Prevention: <http://www.cdc.gov/>

PERSONNEL

4119.41; 4219.41; 4319.41

Equal Employment Opportunity Commission: <http://www.eeoc.gov/>
U.S. Department of Health and Human Services: <http://www.hhs.gov/>

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~~SUBSTITUTE SALARY SCHEDULE~~ **TEMPORARY / SUBSTITUTE PERSONNEL**

~~Substitute teachers shall be paid \$95.00 per teaching day, \$47.50 for one-half a day.~~

~~Substitute teachers shall be paid at the rate of \$95.00 per day for the first ten (10) consecutive days of substituting for the same teacher; starting with the 11th consecutive day substitute pay shall be \$105.00 per day effective September 1, 2004.~~

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.

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.

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)

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 44957)

CLASSIFICATION

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such.

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 employee even if employed for less than a semester. The Board shall determine 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 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

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

OPTION 1: Substitute and temporary employees shall participate in the health and welfare plans or other fringe benefits of the district.

OPTION 2: Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

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 75 percent of the number of days that district schools are 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)

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

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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)

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, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive school 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)

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

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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

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>

PERSONNEL

4138; 4238; 4238

LACTATION ACCOMODATION

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work.

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12940 Discriminatory employment practices

12945 Discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1033 Lactation accommodation

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS

PERSONNEL

4138; 4238; 4238

Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Minimum Requirements of the California Lactation Accommodation Law

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010

WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement:
<http://www.dir.ca.gov/dlse>

California Department of Public Health: <http://www.cdph.ca.gov>

California Women, Infants and Children: <http://www.wicworks.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:
<http://www.dol.gov/whd/nursingmothers>

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

NONDISCRIMINATION IN **EMPLOYMENT DISTRICT PROGRAMS AND ACTIVITIES**

It shall be the policy of the San Dieguito Union High School District to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from harassing or discriminating against any other district employee or job applicant ~~prohibit discrimination~~ on the basis of the person's actual or perceived ~~sex, disability,~~ race, religion, color, national origin, ancestry ~~religious creed,~~ age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe and pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The following position is designated as Coordinator for Nondiscrimination in Employment:

Associate Superintendent of Human Resources
San Dieguito Union HSD
710 Encinitas Blvd.
Encinitas, CA 92024
760-753-6491

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to ~~laws and~~ their supervisor immediately.

TRAINING AND NOTIFICATIONS

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

- ~~2000e-2000e-17 Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq., prohibiting discrimination on the basis of race, color, or national origin with regard to any program or activity receiving Federal financial assistance).~~
- Title VII, ~~of the Civil Rights Act of 1964, as amended (42 USC § 2000e et seq., prohibiting discrimination in employment on the basis of race, color, national origin, religion, or sex).~~
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
- 6101-6107 Age ~~Education Amendments of 1972 (20 USC § 1681 et seq., prohibiting discrimination in federally assisted programs on the basis of sex by education institutions which receive Federal financial assistance).~~
- ~~12101-12213 Section 504 of the Rehabilitation Act of 1973 (29 USC § 794, prohibiting discrimination against otherwise qualified handicapped individuals with regard to any program or activity receiving Federal financial assistance).~~

Title I of the Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with ~~With~~ Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

- 106.8 Designation of responsible employee ~~of 1990 (42 USC § 12101 et seq., prohibiting discrimination against qualified individuals with a disability in hiring and adoption of grievance procedures employment practices).~~

106.9 Dissemination ~~Title II~~ of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with ~~With~~ Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

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

- Notice of Non-Discrimination, August 2010 ~~1990 (42 USC § 12101 et seq., prohibiting discrimination against qualified individuals with a disability in the services, programs, or activities of a public entity).~~

WEB SITES

PERSONNEL

0410; 4100.2; 4200.2; 4300.2; 5145.3

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

- ~~• The Age Discrimination in Employment Act (29 USC § et seq., prohibiting age discrimination in employment against individuals who are at least forty years of age).~~
- ~~• California Government Code section 11135 (prohibiting discrimination on the basis of ethnic group identification, religion, age, sex, color, or disability with regard to any program or activity funded directly by the State of receiving financial assistance from the State).~~
- ~~• California Fair Employment and Housing Act (Gov. Code § 12900 et seq., prohibiting discrimination in employment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or sex, and prohibiting harassment of an employee or applicant because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, or age).~~
- ~~• California Education Code Sections 200 through 232 (prohibiting discrimination on the basis of sex in any program or activity conducted by an educational institution which receives or benefits from State financial assistance).~~
- ~~• California Labor Code Section 1102.1 (prohibiting discrimination in any aspect of employment or opportunity for employment based on actual or perceived sexual orientation).~~

~~The Superintendent shall designate appropriate member(s) of the Management Team who will be responsible for formulating and implementing District regulations that are designed to comply with the above-noted laws and their implementing regulations regarding the prohibition of discrimination or harassment. The implementation of this policy should be undertaken with the understanding that the purpose of the policy is not to impose curriculum requirements.~~

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 3, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Delores Perley, Director of Financial Services
Eric R. Dill, Assoc Supt, Business Services

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: APPROVAL OF RECEIPT AND
EXPENDITURE OF EDUCATION
PROTECTION ACCOUNT (EPA) FUNDING

EXECUTIVE SUMMARY

On November 6, 2012, the voters in California voted to pass Proposition 30, The Schools and Local Public Safety Protection Act of 2012. Proposition 30 temporarily increases the states sales tax rate for all taxpayers and the personal income tax rates for upper-income taxpayers.

The revenues generated from Proposition 30 are deposited into a state account called the Education Protection Account (EPA). School Districts, county offices of education and charter schools will receive funds from the EPA based on their proportionate share of the statewide revenue limit amount. Each district will receive no less than \$200 per ADA. For revenue limit districts, a corresponding reduction is made to the district's revenue limit state aid equal to the amount of their EPA entitlement, resulting in no increase to funding. The state has indicated, at this time, that Basic Aid districts will receive EPA funding. However, until the state budget is finalized, the impact of the EPA on the Basic Aid "Fair Share" reduction is uncertain.

Proposition 30 includes reporting requirements for school districts. Each district must report on the district website an accounting of how much money was received from the EPA and how that money was spent. For 2012-13, the EPA revenue is not expected until late June 2013. Therefore, the 2012-13 funds will be reserved in the ending balance to be spent in 2013-14, after any impact to the "Fair Share" reduction is

ITEM 17

determined. The attached document shows estimated funding in the amount of \$2,404,936 and proposed expenditures. The funds will be used to reduce the deficit by offsetting current expenses for teachers' salaries and benefits.

The EPA revenue has been included in the 2012-13 Spring Revision Budget.

RECOMMENDATION:

It is recommended that the Board approve receipt and expenditure of Education Protection Account (EPA) funds in the amount of \$2,404,936.00, as shown in the attached supplement.

FUNDING SOURCE:

General Fund/Unrestricted.

2012-13 Education Protection Account
Program by Resource Report
Expenditures by Function - Detail

ITEM 17

San Dieguito Union High School District
Estimated Revenue and Expenditures through: June 30, 2013
For Fund 01, Resource 1400 Education Protection Account

Description	Object Codes	Amount
AMOUNT AVAILABLE FOR THIS FISCAL YEAR		
Adjusted Beginning Fund Balance	9791-9795	0.00
Revenue Limit Sources	8010-8099	2,404,936.00
Federal Revenue	8100-8299	0.00
Other State Revenue	8300-8599	0.00
Other Local Revenue	8600-8799	0.00
All Other Financing Sources and Contributions	8900-8999	0.00
Deferred Revenue	9650	0.00
TOTAL AVAILABLE		2,404,936.00
EXPENDITURES AND OTHER FINANCING USES		
(Objects 1000-7999)		
Instruction	1000-1999	2,404,936.00
Instruction-Related Services		
Instructional Supervision and Administration	2100-2150	0.00
AU of a Multidistrict SELPA	2200	0.00
Instructional Library, Media, and Technology	2420	0.00
Other Instructional Resources	2490-2495	0.00
School Administration	2700	0.00
Pupil Services		
Guidance and Counseling Services	3110	0.00
Psychological Services	3120	0.00
Attendance and Social Work Services	3130	0.00
Health Services	3140	0.00
Speech Pathology and Audiology Services	3150	0.00
Pupil Testing Services	3160	0.00
Pupil Transportation	3600	0.00
Food Services	3700	0.00
Other Pupil Services	3900	0.00
Ancillary Services	4000-4999	0.00
Community Services	5000-5999	0.00
Enterprise	6000-6999	0.00
General Administration	7000-7999	0.00
Plant Services	8000-8999	0.00
Other Outgo	9000-9999	0.00
TOTAL EXPENDITURES AND OTHER FINANCING USES		2,404,936.00
BALANCE (Total Available minus Total Expenditures and Other Financing Uses)		0.00

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 6, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Delores Perley, Director of Financial Services
Eric R. Dill, Assoc. Supt., Business Services

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: ADOPTION OF THE 2012-13 SPRING
REVISION DISTRICT BUDGET

EXECUTIVE SUMMARY

During the current fiscal year, the administration has taken a revised budget to the Board three times since the adoption in June. The Fall Revision, First Interim and Second Interim reports are required by state law; the Spring Revision is presented to update the Board on changes that have occurred since Second Interim and to project year-end General Fund revenue, expense, and ending balances. Although the Spring Revision includes the most recent data available, actual 2012-13 income and expenditure information will not be confirmed until the books are closed on the current fiscal year in September.

With respect to income, Property Tax estimates have remained fairly stable throughout the year. The receipts through May are tracking with the current estimates. The budget shows an increase in the Revenue Limit Sources for the Education Protection Account (EPA) funds. Due to the uncertainty of this funding and its impact to the Fair Share Reduction, this funding is part of the reserved ending balance.

Federal revenue reflects a slight increase for Title I, Program Improvement funding. State revenue is up due to revised EIA allocations. Local revenue has increased from Surplus Equity from the Risk Management JPA and donations. Expenditures have increased overall primarily due to additional revenue for donations, Title I Program Improvement, and EIA. Special Education expenses have increased due to additional expenses for settlement agreements, supplemental services tutors, non-public agencies and non-public schools.

While we expect to realize additional savings at year-end from unspent balances in both unrestricted and restricted funds, it is difficult to estimate at this time as we have been actively lowering unrestricted budgets throughout the year when anticipated expenditures have fallen below budgeted amounts.

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The projected ending balance has improved due to EPA funding, which, as we noted in the previous item, is uncertain until the state passes its budget and its impact on the Fair Share is known. Therefore we have reserved this funding in the ending balance. Detailed information for income and expenditures can be found on the following pages.

RECOMMENDATION:

It is recommended that the Board adopt the 2012-13 Spring Revision District Budget, as shown in the attached supplement.

FUNDING SOURCE: **General Fund / 03-00 & 06-00**

General Fund Revenue & Expenditures - 2012-2013 Spring Revision

ITEM 18

	2012-2013 Second Interim			2012-2013 Spring Revision			Change
	UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
PROJECTED INCOME							
Revenue Limit / Property Tax	77,222,213	1,891,931	79,114,144	79,627,149	1,891,931	81,519,080	2,404,936
Federal Income	749,278	4,005,297	4,754,575	749,278	4,054,376	4,803,654	49,079
Other State Income	2,838,380	1,882,650	4,721,030	3,075,687	1,735,329	4,811,016	89,986
Local Income	3,241,976	6,385,772	9,627,748	3,564,734	6,389,671	9,954,405	326,657
Transfers	0	0	0	0	0	0	0
Encroachment	(13,966,651)	13,966,651	0	(14,457,759)	14,457,759	0	0
TOTAL PROJECTED INCOME	70,085,196	28,132,301	98,217,497	72,559,089	28,529,066	101,088,155	2,870,658
PROJECTED EXPENDITURES							
Certificated Salaries	40,282,513	8,085,845	48,368,358	40,241,966	8,122,845	48,364,811	(3,547)
Classified Salaries	9,240,407	6,445,752	15,686,159	9,238,111	6,445,752	15,683,863	(2,296)
Benefits	15,263,889	5,006,864	20,270,753	15,264,196	5,006,864	20,271,060	307
Books & Supplies	2,447,611	2,741,132	5,188,743	2,747,150	2,849,263	5,596,413	407,670
Services & Operating Expenses	6,707,361	5,392,416	12,099,777	6,713,783	5,613,536	12,327,319	227,542
Capital Outlay	47,741	0	47,741	45,441	19,500	64,941	17,200
Other Outgo	1,340,364	1,061,406	2,401,770	1,329,350	1,072,420	2,401,770	0
Categorical	0	0	0	0	0	0	0
TOTAL PROJECTED EXPENDITURES	75,329,886	28,733,415	104,063,301	75,579,997	29,130,180	104,710,177	646,876
Estimated Unspent	0	0	0	0	0	0	0
Expenditures (over/under) Revenue	(5,244,690)	(601,114)	(5,845,804)	(3,020,908)	(601,114)	(3,622,022)	2,223,782
FUND BALANCE, RESERVES:							
Beginning Balance - July 1	13,126,361	601,114	13,727,475	13,126,361	601,114	13,727,475	0
Audit Adjustment	0	0	0	0	0	0	0
Adjusted Beginning Balance	13,126,361	601,114	13,727,475	13,126,361	601,114	13,727,475	0
Projected Ending Balance - June 30	7,881,671	0	7,881,671	10,105,453	0	10,105,453	2,223,782
COMPONENTS OF THE ENDING BALANCE:							
Nonspendable:							
Revolving Cash Fund 9130	180,000		180,000	180,000		180,000	0
Stores Inventory 9320	1,000		1,000	1,000		1,000	0
Restricted:							
Reserve for categorical programs		0	0		0	0	0
Assigned:							
Basic Aid Reserve (3.0%)	0		0	0		0	0
EPA Reserve	0		0	2,404,936		2,404,936	2,404,936
Unassigned:							
Recommended Min Reserve (4.5%)	4,682,849		4,682,849	4,711,958		4,711,958	29,109
Total Components	4,863,849	0	4,863,849	7,297,894	0	7,297,894	2,434,045
RESERVE FOR ECONOMIC UNCERTAINTIES	3,017,822	0	3,017,822	2,807,559	0	2,807,559	(210,263)
	2.90%	0.00%	2.90%	2.68%	0.00%	2.68%	-0.22%
SPECIAL RESERVE FUND	2,450,937	0	2,450,937	2,453,145	0	2,453,145	
Combined Reserve	9.93%	0.00%	9.93%	11.99%	0.00%	11.99%	

REVENUE LIMIT SOURCES

ITEM 18

Object	Resource	2012-2013 Second Interim			2012-2013 Spring Revision			Change
		UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
8011	STATE AID	(39,236)		(39,236)	(39,236)		(39,236)	0
8012	EPA STATE AID CURRENT YEAR	0		0	2,404,936		2,404,936	2,404,936
8021	HOMEOWNERS' EXEMPTION	747,987		747,987	747,987		747,987	0
8041	SECURED TAXES	75,305,710		75,305,710	75,305,710		75,305,710	0
8042	UNSECURED TAXES	2,694,108		2,694,108	2,694,108		2,694,108	0
8043	PRIOR YEAR TAXES	10,169		10,169	10,169		10,169	0
8046	SUPPL ED REV AUGMENT FUNDS(SERAF)	0		0	0		0	0
8047	COMMUNITY REDEVELOPMENT FUNDS	15,883		15,883	15,883		15,883	0
8082	OTHER TAXES	500		500	500		500	0
8089	50% RECAPTURE, OTHER TAXES	(250)		(250)	(250)		(250)	0
8091	SPECIAL ED ADA	(1,500,000)	1,500,000	0	(1,500,000)	1,500,000	0	0
8096	XFER TO CHT SCH INLIEU PROP TX	(12,658)	0	(12,658)	(12,658)	0	(12,658)	0
8097	SPECIAL ED EXCESS TAX		391,931	391,931		391,931	391,931	0
	TOTAL-REVENUE LIMIT SOURCES	77,222,213	1,891,931	79,114,144	79,627,149	1,891,931	81,519,080	2,404,936

FEDERAL INCOME

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
8290-000	0000-024		12,629		12,629	12,629		12,629	0
8290 006	0000 012		736,649		736,649	736,649		736,649	0
8290 000	3010 000			774,562	774,562		774,521	774,521	(41)
8290 002	3010 000			167,326	167,326		167,326	167,326	0
8290 000	3185-000			0	0		50,000	50,000	50,000
8181 000	3310 000			1,973,238	1,973,238		1,973,238	1,973,238	0
8181 000	3311 000			106,783	106,783		106,783	106,783	0
8182 000	3327 000			307,300	307,300		307,220	307,220	(80)
8290 000	3410 000			196,416	196,416		196,416	196,416	0
8290 000	3550 001			119,415	119,415		119,415	119,415	0
8290 000	3550 002			5,584	5,584		5,584	5,584	0
8290 000	4035 000			196,960	196,960		196,960	196,960	0
8290 002	4035 000			687	687		687	687	0
8290 000	4036 000			6,000	6,000		6,000	6,000	0
8290 001	4036 000	D		4,179	4,179		4,179	4,179	0
8290 002	4036 000			3,000	3,000		3,000	3,000	0
8290 000	4045 000			1,856	1,856		1,856	1,856	0
8290 000	4201 000			25,000	25,000		24,200	24,200	(800)
8290 002	4201 000			18,431	18,431		18,431	18,431	0
8290 000	4203 000			64,365	64,365		64,365	64,365	0
8290 002	4203 000			34,195	34,195		34,195	34,195	0
			749,278	4,005,297	4,754,575	749,278	4,054,376	4,803,654	49,079

D DEFERRED

OTHER STATE INCOME

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
8590 000	0000 000		610,166		610,166	610,166		610,166	0
8590 002	0000 000	D P1 APPORT	(8,816)		(8,816)	(8,816)		(8,816)	0
8590 005	0000 000		(5,739,241)		(5,739,241)	(5,501,934)		(5,501,934)	237,307
8590 006	0000 012		922,847		922,847	922,847		922,847	0
8590 002	0000 023		0		0	0		0	0
8590 000	0000 024		6,122		6,122	6,122		6,122	0
8550 000	0425 000		357,722		357,722	357,722		357,722	0
8590 000	0900 XXX		5,212,182		5,212,182	5,212,182		5,212,182	0
8560 000	1100 000		1,408,290		1,408,290	1,408,290		1,408,290	0
8560-002	1100 000		69,108		69,108	69,108		69,108	0
8560 000	6300 000			210,000	210,000		210,000	210,000	0
8560 002	6300 000			70,889	70,889		70,889	70,889	0
8590 000	6512 000			0	0		0	0	0
8590 003	6512 000			701,934	701,934		701,934	701,934	0
8590 000	6520 000			292,190	292,190		292,190	292,190	0
8590 000	6530 000			1,789	1,789		1,789	1,789	0
8590 000	6535 000			4,618	4,618		4,618	4,618	0
8590 000	6690 000			137,870	137,870		137,870	137,870	0
8590 002	6690 000			45,332	45,332		45,332	45,332	0
8311 000	7090 000			398,028	398,028		488,014	488,014	89,986
8311 005	7090 000			0	0		(237,307)	(237,307)	(237,307)
8311 000	7230 000			482,709	482,709		482,709	482,709	0
8311 005	7230 000			(482,709)	(482,709)		(482,709)	(482,709)	0
8311 000	7240 000			59,185	59,185		59,185	59,185	0
8311 005	7240 000			(59,185)	(59,185)		(59,185)	(59,185)	0
8590 000	7810 004			20,000	20,000		20,000	20,000	0
TOTAL OTHER STATE REVENUE			2,838,380	1,882,650	4,721,030	3,075,687	1,735,329	4,811,016	89,986

D DEFERRED

LOCAL INCOME

ITEM 18

Object	Resource		2012-2013			2012-2013			Change
			Second Interim			Spring Revision			
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
8631 000	0100 046	SALE OF EQUIPMENT & SUPPLIES	10,000		10,000	10,000		10,000	0
8631 001	0100 046	SALE OF EQUIPMENT & SUPPLIES	0		0			0	0
8650 XXX	0000 634/5	M & O FIELD USE	100,000		100,000	100,000		100,000	0
8660 XXX	0100 040	INTEREST	455,697		455,697	455,697		455,697	0
8675 001	7230 002	TRANSPORT.SERVICES PARENT PAY		525,000	525,000		525,000	525,000	0
8677 000	6500 007	SP ED, NCCSE		54,000	54,000		54,000	54,000	0
8677 004	0100 038	INT/AGY PRIVATE CONTRACTOR	50,000		50,000	50,000		50,000	0
8677 005	7230 009	INT/AG REV - OTHER TRANSP		32,752	32,752		32,752	32,752	0
8677 006	9010 006	INT/AG REV - APCD - BUS PROGRAM		0	0		0	0	0
8677 007	9025 XXX	INT/AG. REV. - ROP TIER III		0	0		0	0	0
8677 010	6500 004	COASTAL LEARNING ACADEMY		100,000	100,000		100,000	100,000	0
8677 012	7230 009	I/A TRASPOTATION HTS		0	0		0	0	0
8677 012	7240 002	SP ED, TRANSPORTATION		20,000	20,000		20,000	20,000	0
8677 014	0100 051	ADMIN DEV FEES RSF/SB	1,500		1,500	1,500		1,500	0
8689 001	0100 039	OTHER PARKING FINES-TP	1,481		1,481	1,985		1,985	504
8689 001	0100 052	OTHER PARKING FINES-CCA	1,125		1,125	1,439		1,439	314
8689 001	0100 054	OTHER PARKING FINES-LCC	703		703	1,011		1,011	308
8989 001	0100 055	OTHER PARKING FINES-SDA	78		78	357		357	279
8689 005	0100 050	STUDENT PARKING FEES-TP	20,701		20,701	20,701		20,701	0
8689 010	0100 048	STUDENT PARKING FEES-LCC	19,551		19,551	19,551		19,551	0
8689 013	0100 049	STUDENT PARKING FEES-SDA	11,532		11,532	11,532		11,532	0
8689 014	0100 047	STUDENT PARKING FEES-CCA	16,710		16,710	16,710		16,710	0
8689 050	0000 300	TRANSP FEES-ATHL-TP	115,000		115,000	115,000		115,000	0
8689 100	0000 300	TRANSP FEES-ATHL-LCC	100,000		100,000	100,000		100,000	0
8689 130	0000 300	TRANSP FEES-ATHL-SDA	40,000		40,000	40,000		40,000	0
8689 140	0000 300	TRANSP FEES-ATHL-CCA	60,800		60,800	60,800		60,800	0
8699 000	0100 030	22ND AGR DIST NON COOP*	44,058		44,058	44,058		44,058	0
8699 000	9010 010,2-3	SB70 CAREER DEV		149,239	149,239		142,739	142,739	(6,500)
8699 700	0000 012	CAPITAL FUNDS FOR SOLAR	1,185,907		1,185,907	1,185,907		1,185,907	0
8699 XXX	XXXX XXX	OTHER LOCAL INCOME	917,283	120,140	1,037,423	1,185,382	130,539	1,315,921	278,498
8710 000	6500 008	SP ED, SEAS		38,000	38,000		38,000	38,000	0
8782 XXX	1100 001	ROP LOTTERY TRANSFER	89,850		89,850	89,850		89,850	0
8782 XXX	6300 001	ROP RESTRICTED LOTTERY		9,225	9,225		9,225	9,225	0
8782 000	9025 XXX	ROP COUNTY OFFICE		1,575,458	1,575,458		1,575,458	1,575,458	0
8783 000	0000 000	ALL OTHER TRANSFERS FROM JPA	0		0	53,254		53,254	53,254
8792 000	6500 000	SPECIAL EDUCATION		3,761,958	3,761,958		3,761,958	3,761,958	0
		TOTAL LOCAL REVENUE	3,241,976	6,385,772	9,627,748	3,564,734	6,389,671	9,954,405	326,657
8919 019	0100 085	TRANSFER FROM CAP. FAC. 25-19	0	0	0	0	0	0	0
8919 011	6285 000	TRANSFER FROM AD ED 11-00 FLEXIBILITY TRANSFER	0	0	0	0	0	0	0
8919 015	7230 000	I/F TRANSFER IN FR TRANSP EQUIP	0	0	0	0	0	0	0
8919 016	0000 000	I/TRANSF SELF INS FD	0	0	0	0	0	0	0
		SUBTOTAL TRANSFERS	0	0	0	0	0	0	0
8980 000	0000 000	UNRESTRICTED CONTRIBUTIONS	(14,118,908)	0	(14,118,908)	(14,610,016)		(14,610,016)	(491,108)
8980 000	1100-001	ROP LOTTERY TRANSFER	(89,850)	0	(89,850)	(89,850)		(89,850)	0
8980 000	6500 000	CONTRIBUTION TO SPEC. ED. FOR ENCROACHMENT		7,326,070	7,326,070		7,579,871	7,579,871	253,801
8980 000	6512 000	SPED MENTAL HEALTH SERVICES		1,223,542	1,223,542		1,223,542	1,223,542	0
8980 005	7090 000	CONTRIBUTION TO EIA FAIR SHARE		0	0		237,307	237,307	237,307
8980 000	7230 000	CONTRIBUTION TO H-T-S TRANSPORTATION		29,566	29,566		29,566	29,566	0
8980 005	7230 000	CONTRIBUTION TO HTS. TRANSP. FAIR SHARE		482,709	482,709		482,709	482,709	0
8980 000	7240 000	CONTRIBUTION TO SP. ED. TRANSP. FOR ENCROACH.		2,750,123	2,750,123		2,750,123	2,750,123	0
8980 005	7240 000	CONTRIBUTION TO SP. ED. TRANSP. FAIR SHARE		59,384	59,384		59,384	59,384	0
8980 000	8150 000	CONTRIBUTION TO ROUTINE REPAIR FOR ENCROACH.		2,247,514	2,247,514		2,247,514	2,247,514	0
8980 000	9025 XXX	ROP LOTTERY TRANSFER		89,850	89,850		89,850	89,850	0
8990 007	9025 000	ROP TIER III REVENUE		(242,107)	(242,107)		(242,107)	(242,107)	0
8990 007	0000 000	ROP TIER III REVENUE	242,107	0	242,107	242,107		242,107	0
		SUBTOTAL ENCROACHMENT	(13,966,651)	13,966,651	0	(14,457,759)	14,457,759	0	0
		TOTAL TRANSFERS	(13,966,651)	13,966,651	0	(14,457,759)	14,457,759	0	0
		TOTAL ALL REVENUE W/O TEMP TRSFERS	70,085,196	28,132,301	98,217,497	72,559,089	28,529,066	101,088,155	2,870,658
		OTHER I/F TRANSFERS IN-TEMP			0			0	0
		TOTAL REVENUE WITH ALL TRANSFERS	70,085,196	28,132,301	98,217,497	72,559,089	28,529,066	101,088,155	2,870,658

CERTIFICATED SALARIES

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
1100 000		TEACHERS' SALARIES	32,938,635	7,577,738	40,516,373	32,898,088	7,614,738	40,512,826	(3,547)
1100 033		EL STIPEND	475,000	0	475,000	475,000		475,000	0
1200 000		PUPIL SUPPORT: LIBRARIANS GUIDANCE, WELFARE & ATTEND. PHYSICAL & MENTAL HEALTH	2,744,183	81,215	2,825,398	2,744,183	81,215	2,825,398	0
1300 000		SUPERVISORS, ADMIN: SUPERINTENDENTS ADMINISTRATORS	3,577,438	285,503	3,862,941	3,577,438	285,503	3,862,941	0
1900 000		OTHER CERTIFICATED	547,257	141,389	688,646	547,257	141,389	688,646	0
		TOTAL-OBJECT CODE 1000	40,282,513	8,085,845	48,368,358	40,241,966	8,122,845	48,364,811	(3,547)

CLASSIFIED SALARIES

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
2100 000		INSTRUCTIONAL AIDES	861,000	2,188,846	3,049,846	861,000	2,188,846	3,049,846	0
2200 000		CLASSIFIED SUPPORT: MAINTENANCE & OPERATIONS INSTR. MEDIA / LIBRARY TRANSPORTATION	2,872,004	3,611,124	6,483,128	2,868,737	3,611,124	6,479,861	(3,267)
2300 000		SUPERVISORS AND ADMINISTRATORS' SALARIES	866,274	312,221	1,178,495	866,274	312,221	1,178,495	0
2400 000		CLERICAL & OFFICE PERSONNEL	4,285,981	332,061	4,618,042	4,285,791	332,061	4,617,852	(190)
2900 000		OTHER CLASSIFIED	355,148	1,500	356,648	356,309	1,500	357,809	1,161
		TOTAL-OBJECT CODE 2000	9,240,407	6,445,752	15,686,159	9,238,111	6,445,752	15,683,863	(2,296)

EMPLOYEE BENEFITS

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
3100 000		STATE TEACHERS' RETIREMENT SYS	3,649,358	665,954	4,315,312	3,649,552	665,954	4,315,506	194
3200 000		PUBLIC EMPLOYEE RETIREMENT SYS	1,074,494	666,552	1,741,046	1,074,494	666,552	1,741,046	0
3311/2 000		SOCIAL SECURITY	627,724	401,660	1,029,384	627,724	401,660	1,029,384	0
3321/2 000		MEDICARE	690,415	201,183	891,598	690,449	201,183	891,632	34
3400 000		INC PROTCT+CERT DNTAL+LIFE	511,219	124,274	635,493	511,219	124,274	635,493	0
3500 000		UNEMPLOYMENT INSURANCE	601,559	159,356	760,915	601,585	159,356	760,941	26
3600 000		WORKERS' COMPENSATION	934,206	243,689	1,177,895	934,246	243,689	1,177,935	40
3700 000		RETIREE BENEFITS (H & W)	602,269	153,034	755,303	602,282	153,034	755,316	13
3800 000		PERS REDUCTION	0	0	0	0	0	0	0
3900 000		FLEX ACCOUNTS	6,572,645	2,391,162	8,963,807	6,572,645	2,391,162	8,963,807	0
		TOTAL-OBJECT CODE 3000	15,263,889	5,006,864	20,270,753	15,264,196	5,006,864	20,271,060	307

BOOKS AND SUPPLIES

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
4100 000		TEXTBOOKS (7-8 + 9-12)	0	150,000	150,000	0	150,000	150,000	0
4200 000		BOOKS OTHER THAN TEXTBOOKS	1,872	52,570	54,442	1,872	52,570	54,442	0
4300 000		MATERIALS & SUPPLIES LOTTERY INSTRUCTIONAL MTRLS SCIENCE LAB MATERIALS OTHER SUPPLIES PUPIL TRANSPORTATION SUPPLIES GIFTS & DONATIONS	2,160,080	2,028,036	4,188,116	2,448,688	2,129,667	4,578,355	390,239
4300 999		ESTIMATED UNSPENT	0	359,005	359,005	0	359,005	359,005	0
4400 000		NON-CAPITALIZED EQUIP (under \$5,000)	285,659	151,521	437,180	296,590	158,021	454,611	17,431
		TOTAL-OBJECT CODE 4000	2,447,611	2,741,132	5,188,743	2,747,150	2,849,263	5,596,413	407,670

SERVICES AND OPERATING EXPENSES

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
5100 000		SUBAGREEMENT FOR SERVICES	130,500	2,079,410	2,209,910	130,500	2,079,410	2,209,910	0
5200 000		TRAVEL/CONFERENCES/INSERVICE TRNG	166,645	74,805	241,450	138,400	77,805	216,205	(25,245)
5300 000		DISTRICT DUES & MEMBERSHIP	62,257	1,250	63,507	62,600	1,250	63,850	343
5400 000		INSURANCE	556,475	0	556,475	556,475	0	556,475	0
5500 000		UTILITIES	2,109,818	2,500	2,112,318	2,109,818	2,500	2,112,318	0
5600 000		RENTALS, LEASES & REPAIRS	723,907	127,692	851,599	724,514	126,692	851,206	(393)
5700 000		INTER-PROGRAM SERVICES	504,814	(518,614)	(13,800)	498,489	(518,614)	(20,125)	(6,325)
5800 000		PROF./CONSULTING & OTHER SERVICES & OPERATING EXPENSES, INSTRUCTIONAL CONSULT. & LECT.	2,123,978	3,602,173	5,726,151	2,165,477	3,821,293	5,986,770	260,619
5900 000		COMMUNICATIONS: VOICE, DATA & POSTAGE	328,967	23,200	352,167	327,510	23,200	350,710	(1,457)
		TOTAL-OBJECT CODE 5000	6,707,361	5,392,416	12,099,777	6,713,783	5,613,536	12,327,319	227,542

CAPITAL OUTLAY

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
6100 000		SITES & IMPROVEMENT OF SITE	0	0	0	0	0	0	0
6200 000		IMPROVEMENT	0	0	0	0	0	0	0
6400 000		EQUIPMENT	36,000	0	36,000	36,000	19,500	55,500	19,500
6500 000		EQUIPMENT REPLACEMENT	11,741	0	11,741	9,441	0	9,441	(2,300)
		TOTAL-OBJECT CODE 6000	47,741	0	47,741	45,441	19,500	64,941	17,200

OTHER OUTGO

ITEM 18

Object	Resource		2012-2013 Second Interim			2012-2013 Spring Revision			Change
			UNRESTRICTED	RESTRICTED	TOTAL	UNRESTRICTED	RESTRICTED	TOTAL	
7130 000	XXXX XXX	STATE SPECIAL SCHOOLS	6,843	0	6,843	6,843		6,843	0
7141 000	65XX XXX	SPED OTH TUIT- DEFIC PMTS-SCH	0	34,814	34,814		34,814	34,814	0
7142 000	6500 000	SPED OTH TUIT-X COST	0	519,784	519,784	0	519,784	519,784	0
7142 000	6500 001	OTHER TUITION & SPEC. ED EXCESS COS	0	30,000	30,000	0	30,000	30,000	0
7142 000	6512 000	SPED MENTAL HEALTH OTH TUIT-X COST	0	106,605	106,605	0	106,605	106,605	0
7142-002	6500-005	ADULT TRANSITION SH PROGRAM	0	0	0	0	0	0	0
7142 003	6500 001	SP. ED. NCCSE MOU	0	0	0	0	0	0	0
7142 004	6512 000	SPED MENTAL HEALTH SERVICES	0	137,500	137,500	0	137,500	137,500	0
7310 001	XXXX XXX	DIRECT SUPPORT/INDIRECT COSTS	(229,703)	229,703	0	(240,717)	240,717	0	0
7350 011	XXXX XXX	ADULT ED INDIRECT - FUND 11-00	(32,608)	0	(32,608)	(32,608)	0	(32,608)	0
7350 013	XXXX XXX	FOOD SERVICE INDIRECT FD 13-00	(116,839)	0	(116,839)	(116,839)	0	(116,839)	0
7438 000	XXXX XXX	SOLAR PROJ DEBT SVC INT	840,639	0	840,639	840,639	0	840,639	0
7439 000	XXXX XXX	SOLAR PROJ OTH DEBT SVC PRINC.	765,588	0	765,588	765,588	0	765,588	0
7615 014	8150 000	TRSF FROM GEN TO DEF. MAINT. FUND 14	0	0	0	0	0	0	0
7619 015	XXXX XXX	TRSF FROM GEN TO FUND 15-00	11,444	3,000	14,444	11,444	3,000	14,444	0
7619 011	0000 800	I/F TRANSF TO ADULT ED	75,000	0	75,000	75,000	0	75,000	0
7619 030	0000 800	INTERFD-TRSF-TO DED. INS.	20,000	0	20,000	20,000	0	20,000	0
		TOTAL-OBJECT CODE 7000	1,340,364	1,061,406	2,401,770	1,329,350	1,072,420	2,401,770	0
		TOTAL-ALL EXPENDITURES	75,329,886	28,733,415	104,063,301	75,579,997	29,130,180	104,710,177	0
		GRAND TOTAL-ALL EXPENDITURES	75,329,886	28,733,415	104,063,301	75,579,997	29,130,180	104,710,177	0

ITEM 18

General Fund Revenue & Expenditures - 2012-2013 Spring Revision
Business Services Division
Finance Department

2012-2013
Spring Revision
Summary of Changes

Income:

	<u>Second Interim</u>	<u>Spring Revision</u>	<u>Summary of Changes</u>		
Revenue Limit	79,114,144	81,519,080	2,404,936	*	\$2.4M Education Protection Account
Federal	4,754,575	4,803,654	49,079	*	\$50K Title I Program Improvement
Other State	4,721,030	4,811,016	89,986	*	\$90K EIA
Local	9,627,748	9,954,405	326,657	*	\$273K Donations, College Testing, etc.
				*	\$53K JPA Surplus Equity
Transfers	0	0	0		
Encroachment	(13,966,651)	(14,457,759)	(491,108)	*	\$253K Special Education Contribution
				*	\$237K EIA Fair Share Contribution
Total	98,217,497	101,088,155	2,870,658		

ITEM 18

General Fund Revenue & Expenditures - 2012-2013 Spring Revision
Business Services Division
Finance Department

2012-2013
Spring Revision
Summary of Changes

Expenditures:

	<u>Second Interim</u>	<u>Spring Revision</u>	<u>Summary of Changes</u>	
Certificated Salaries	48,368,358	48,364,811	(3,547)	
Classified Salaries	15,686,159	15,683,863	(2,296)	
Benefits	20,270,753	20,271,060	307	
Books & Supplies	5,188,743	5,596,413	407,670	* \$181K Donations, College Testing, etc. * \$80K EIA * \$50K Title I Program Improvement * \$37K Supplemental Instruction Tutoring * <\$21K> SB 70 Career Development
Services & Operating Expenses	12,099,777	12,327,319	227,542	* \$200K Special Ed NPS/NPA * \$31K Donations
Capital Outlay	47,741	64,941	17,200	* \$20K SB 70 Career Development
Other Outgo	2,401,770	2,401,770	0	
Total	104,063,301	104,710,177	646,876	

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 10, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: Becky Banning,
Executive Assistant to the Superintendent

SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: BOARD POLICY REVISION
PROPOSALS

EXECUTIVE SUMMARY

These policy revision proposals are being submitted in accordance with recommendations from California School Boards Association's (CSBA) Board Policy Maintenance Service, (GAMUT). Following is a summary of the recommended changes:

Policy # / Description	Summary
1100, Communication with the Public	Section on "Prohibition Against Mass Mailings at Public Expense" expanded to include additional definition of mass mailing related to ballot measures, candidates, legislative activities, and other campaign activities. Schedule for evaluating the implementation and effectiveness of the district's communications plan made more flexible since the schedule may change depending on communications goals and district needs.
1120 / 9320, Meetings and Notices	Mandated bylaw updated to reflect new law (AB 1344) which prohibits boards from calling special meetings to address the salaries, salary schedules, or other compensation of the superintendent, assistant superintendent, or other specified employees. Bylaw also reflects requirement added by AB 1344 to post the agenda for a regular meeting and the notice of a special meeting on the district web site, if there is one.
1160, Political Processes	Policy revised to reflect new court decision which details the appropriate use of district resources for election purposes. Consistent with the court's

decision, the policy clarifies that it is a permissible informational activity for the Board to adopt a resolution in support of or in opposition to a ballot measure as long as the resolution and other materials do not urge voters to act in a certain way and as long as the distribution of the materials is consistent with regular district practice. Policy also outlines impermissible campaign activities by the district, such as the purchase of bumper stickers or the use of district email to disseminate campaign literature. In addition, policy contains updated language regarding district lobbying and advocacy activities.

2121, Superintendent's Contract

Updated to reflect new law, (AB 1344), which prohibits the automatic renewal of the superintendent's contract with a provision for automatic increase that exceeds the cost-of-living adjustment and requires any contract executed or renewed after January 1, 2012 to include a provision requiring the superintendent to reimburse the district for paid leave salary or cash settlement in the event he/she is convicted of a crime involving an abuse of his/her position.

9223, Filling Vacancies

Bylaw updated to reflect new law (AB 334) which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. Updated bylaw also reflects current law which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.

9321, Closed Session Purposes & Agendas

Updated bylaw reflects new Attorney General opinion which concludes that only three specified subjects related to real property negotiations may be considered in closed session. Bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 - Closed Session Actions and Reports, and (3) revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."

9322, Agenda, Meeting Materials

Mandated bylaw revised to update material related to the consent agenda/calendar, including deleting outdated information and reflecting new law (SB 1003) which requires the Board to have a separate agenda item (not on consent agenda) when it is

considering approving or rescinding its unconditional commitment to refrain from taking certain actions in violation of the Brown Act.

9323.2, Actions by the Board

Bylaw updated to reflect new law (SB 1003) which expands the types of past Board actions that may be challenged by the district attorney or other interested person provided that certain requirements are met, including the sending of a "cease and desist" letter to the Board within nine months of the alleged violation. New exhibit provides a sample letter that the Board may use to respond to the cease and desist letter with an unconditional commitment to desist from repeating the past action, which would prevent the district attorney or other interested person from filing an action in court.

RECOMMENDATION:

This item is being presented for first read and will be resubmitted for board action on June 6, 2013.

FUNDING SOURCE:

N/A

Attachment

COMMUNITY RELATIONS

1100

COMMUNICATION WITH THE PUBLIC

The Governing Board ~~recognizes~~ ~~appreciates~~ the ~~district's responsibility~~ ~~importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways.~~

~~The Superintendent or designee shall use all available means of communication to keep the public informed regarding~~ ~~aware of~~ the goals, programs, achievements, and needs of ~~the~~ ~~our~~ schools and district and to be responsive to the concerns and interests ~~—Members~~ of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies. ~~shall have opportunities to become involved in the schools and to express their interests and concerns.~~

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district ~~shall seek to communicate~~ in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social networking pages or other online communications technologies, direct email communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

In developing communications strategies, the Superintendent or designee shall take into account ~~ways that accommodate~~ the needs of all members of the public, including ~~individuals with disabilities and the visually or hearing impaired,~~ those ~~whose primary language is~~ ~~who do not understand~~ English, ~~and those who do not read.~~

The Superintendent or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

PROHIBITION AGAINST MASS MAILINGS AT PUBLIC EXPENSE ~~OR DISTRIBUTIONS~~

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district ~~The Board recognizes that state law prohibits mass mailings or distributions at~~

COMMUNITY RELATIONS

1100

public expense if such material aggrandizes one or more Board members. ~~which aggrandize elected officers.~~ The name, signature, or photograph of a Board member ~~an elected district officer~~ may be included in such materials only as permitted by ~~the Code of Regulations, Title 2 CCR,~~ 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

COMPREHENSIVE COMMUNICATIONS PLAN

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

LEGAL REFERENCE

~~CALIFORNIA~~ EDUCATION CODE

7054 Use of district property or funds re: ballot measures and candidates
35145.5 Board meetings, public participation
35172 _____ Promotional activities
38130-38138 Civic Center Act
48980-48985 Parental notifications

GOVERNMENT CODE

54957.5 Meeting agendas and materials
82041.5 _____ Mass mailing
89001 _____ Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 _____ Mass mailings sent at public expense

COMMUNITY RELATIONS

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18901.1 Campaign-related mailings sent at public expense

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

MANAGEMENT RESOURCES

WEBSITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

~~Meetings of the Board of Trustees are conducted for the purpose of accomplishing District business.~~

A Board meeting exists whenever a majority of Boardits members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)District.

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

~~In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified in law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.~~

~~Direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of District business.~~

~~Meetings shall be held within District boundaries, except when otherwise allowed by law.~~

~~Meetings shall be held in a facility that is accessible to all persons, including disabled persons, without charge.~~

In order to help ensure the participation ofin the meeting by disabled individuals with disabilities at Board meetings, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

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~~Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee in writing.~~

REGULAR MEETINGS

The Board shall hold ~~two~~ regular meeting(s) each month. ~~except the months of January, July, August, December and the month in which spring break occurs.~~ Regular meetings shall be held at 6:30 p.m. on Thursdays in the District office board room unless otherwise noted.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public ~~and on the district's Internet web site.~~ (Government Code 54954.2)-

~~Whenever agenda materials relating to an open session of~~ ~~if a fire, flood, earthquake or other emergency renders the~~ regular meeting are distributed to the Board less than 72 hours before ~~place unsafe, meetings may temporarily be held at a place designated by the meeting, the Superintendent~~ ~~president~~ or designee, ~~who shall make so inform, by the materials~~ ~~most rapid~~ available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5) ~~means of communication, all news media who have requested notice of special meetings.~~

SPECIAL MEETINGS

Special meetings of the Board may be called ~~at any time~~ by the presiding officer or a majority of the Board members. ~~However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1.~~ (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. ~~The notice also shall be posted on the district's Internet web site.~~ The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. ~~No; no~~ other business shall be considered at ~~this meeting.~~ (Education Code 35144; Government Code 54956) ~~these meetings.~~

~~Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes.~~ (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or ~~during~~ ~~after~~ the item's consideration. (Government Code 54954.3)

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~~At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within District boundaries and action items shall not be included.~~

EMERGENCY MEETINGS

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board.

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of the persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

ADJOURNED/CONTINUED MEETINGS

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that, which shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such Within 24 hours after a meeting. has been adjourned to a later time, a copy of the order of adjournment shall be posted at the meeting site.

If no Board members are present at any regular or adjourned regular meeting, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

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Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

STUDY SESSIONS, RETREATS, PUBLIC FORUMS, AND DISCUSSION MEETINGS

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss ~~Board~~board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within ~~district~~District boundaries. ~~Action~~No action items shall not be included on the agenda for these meetings.

OTHER GATHERINGS

Attendance by a majority of Board members at any of the following events is not subject to ~~state open meeting laws~~the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering **open to the public** that involves a discussion of issues of general interest to the public or to school board **members**.
- ~~1.2.~~**An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern**
3. **An open and noticed meeting of another body of the district**
- ~~2.4.~~**An open and noticed meeting of a legislative body of another local agency**
- ~~3.5.~~**A purely social or ceremonial occasion**
6. **An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers**

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

LOCATION OF MEETINGS

Meetings shall **not** be held in a facility that ~~is accessible to all persons, including disabled persons, without charge~~.prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government

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Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

- ~~1.~~ Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party.
2. Inspect real or personal property which cannot ~~be~~ conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property.
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
- ~~1.4.~~ Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction.
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility.
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs.
8. Attend conferences on non-adversarial collective bargaining techniques.
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district.

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform, ~~by the most rapid available means of communication,~~ all news media who have requested notice of special meetings **by the most rapid available means of communication.** (Government Code 54954).

TELECONFERENCING

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, ~~either~~ through audio **and/or** video. (Government Code 54953) ~~or both.~~

The Board may use teleconferences for all purposes in connection with any meeting within the Board's

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subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

HEARINGS

~~The Board may occasionally convene public hearings at which no Board action is to be taken. Such hearings are held solely to allow the Board and members of the public to receive information. A hearing may take place immediately prior to a Board meeting.~~

~~If a quorum of Board members is present at a hearing, notice of the hearing shall be provided according to procedures specified above for regular meetings.~~

LEGAL REFERENCE REFERENCES

CALIFORNIA EDUCATION CODE

35140 ~~_____~~ Time and ~~place~~ ~~Place~~ of meetings ~~Meetings~~

35143 ~~_____~~ Annual ~~organizational meeting, date~~ ~~Organizational Meeting, Date,~~ and ~~notice~~ ~~Notice~~

35144 ~~_____~~ Special ~~meeting~~ ~~Meeting~~

35145 ~~_____~~ Public ~~meetings~~ ~~Meetings~~

35145.5 ~~_____~~ Agenda; ~~public participation; regulations~~ ~~Public Participation;~~ ~~Regulations~~

35146 ~~_____~~ Closed ~~sessions~~ ~~Sessions~~

35147 ~~_____~~ Open ~~meeting law exceptions~~ ~~Meeting Law Exceptions~~ and ~~applications~~ ~~Applications~~

GOVERNMENT CODE

3511.1 Local agency executives

11135 State programs and activities, discrimination

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~~54950-54963 The Ralph M. Brown Act~~ ~~54957.9~~ Meetings, especially:
54953 ~~Meetings to be open~~ Open and ~~public; attendance~~ Public, Attendance
~~54953.2~~ Compliance with Americans with Disabilities Act
54954 ~~Time and place~~ Place of ~~regular meetings~~ Regular Meetings, Holidays, Emergencies
54954.1 Mailed Notices
54954.2 Agenda ~~posting requirements, board actions~~ Posting Requirements, Board Actions
54954.3 Opportunity for Public to Speak
54956 ~~Special meetings; call; notice~~ Meetings; Call, Notice
54956.5 Emergency ~~meetings~~ Meetings in Emergency Situations
~~54957.5~~ Agenda Distribution
~~54961~~ Prohibition on Use of Certain Facilities

UNITED STATES CODE, TITLE 42

~~12101-12213~~ Americans ~~with~~ With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective ~~communications~~ Communications
36.303 Auxiliary ~~aids~~ Aids and ~~services~~ Services

COURT DECISIONS

~~Wolfe v. City of Fremont, (2006) 144 Cal.App. 544~~

ATTORNEY GENERAL OPINIONS

~~88 Ops.Cal.Atty.Gen. 218 (2005)~~
~~84 Ops.Cal.Atty.Gen. 181 (2001)~~
~~84 Ops.Cal.Atty.Gen. 30 (2001)~~
~~79 Ops.Cal.Atty.Gen. 69 (1996)~~
~~78 Ops.Cal.Atty.Gen. 327 (1995)~~

MANAGEMENT RESOURCES

CSBA PUBLICATIONS

~~The Brown Act: School Boards and Open Meeting Laws, rev. 2009~~ 1999

~~INSTITUTE FOR LOCAL GOVERNMENT~~ ATTORNEY GENERAL PUBLICATIONS

~~The ABCs of Open Government Laws~~

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

~~Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010~~

WEBSITES

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

~~CSBA, <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>~~ Agenda Online:
~~;[Open Meetings for Legislative Bodies](http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx), California Attorney General's~~ Office:

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<http://www.ag.ca.gov>, 2002

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

WEB SITES

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

California Attorney General's Office: www.caag.state.ca.us

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POLITICAL PROCESSES

STATE AND FEDERAL LEGISLATION

The ~~Governing Board of Trustees~~ has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the ~~children in the community~~. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements. ~~students in the community. This responsibility may include that of lobbying at the state and national levels.~~

BALLOT MEASURES/CANDIDATES

~~The Board shall identify issues that will affect its schools and the students in its community, establish goals and priorities for legislative advocacy, solicit community input, and adopt legislative positions. The Superintendent or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities, and timelines.~~

~~The Board may provide members of the community with fair and impartial information which may help them communicate with their legislators about educational and students' issues.~~

~~The Board may determine how ballot measures may affect the schools. Any Board discussion of the effect such measures would have on the district shall include an opportunity for Board members and members of the public to speak on all sides of the issue. The Board may also adopt positions in support of or in opposition to ballot measures of importance to education.~~

No district funds, services, ~~supplies, or equipment~~ ~~or supplies~~ shall be used to urge the support or defeat of any ballot measure or candidate, ~~including any candidate for election to the Board.~~ (Education Code 7054):

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendaized Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

The Superintendent or designee may use district ~~resources~~ ~~funds~~ to ~~provide~~ ~~furnish~~ students, parents/guardians, and community members with fair and impartial information ~~related to ballot measures, including information~~ about the impact of ballot measures on the district. (Education Code 7054)

In preparing or distributing such informational material, the Superintendent or designee shall analyze

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the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.

~~District facilities may be used for the conduct of forums about ballot measures as long as the forum is made available to all sides of the issue on an equitable basis.~~

- ~~1.2.~~ Upon request, Board members and district administrators may appear **at any time** before a citizens' group to **explain why** ~~discuss reasons that~~ the Board called for an election **on for the issuance of bonds or a bond parcel tax** measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

LEGISLATION

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.

The district may provide fair and impartial information about legislative issues affecting schools and

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children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

LEGAL ADVOCACY

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

POLITICAL FORUMS

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

LEGAL REFERENCE

~~CALIFORNIA~~ EDUCATION CODE

7050-7058	Political activities of school officers and employees, including:
7054	Use of district property
7054.1	Requested appearance
7056	Soliciting or receiving political funds
7058	Use of forum
35160	Authority of governing boards
35172	Promotional activities

ELECTIONS CODE

9501	School district elections, arguments for or against a measure
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GOVERNMENT CODE

8314	Unlawful use of state resources
50023	Attending legislature to support or oppose legislation
53060.5	Attendance at legislative body; expenses
54953.5	Right to record proceedings
54953.6	Broadcasts of proceedings
81000-91015	Political Reform Act, including:
82031	Definition of independent expenditure

CODE OF REGULATIONS, TITLE 2

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18600-18640 Lobbyists
18901.1 Campaign related mailings sent at public expense

COURT DECISIONS

Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229
Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.-App.-4th 415
~~Citizens Legal Defense Alliance, Inc., Jarvis v. Miller et al, Los Angeles Unified School District, Super. Ct. Los Angeles County, 1978, No. C 230935~~

Stanson v. Mott (1976) 17 Cal. 3d 206

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.-App. 3d 529, ~~250 Cal. Rptr. 161, rev. den.~~
Miller v. Miller, (1978) 87 Cal.App.3d 762

Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)
73 Ops.-Cal.-Atty.-Gen. 255 (1990)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES

CSBA: <http://www.csba.org>
Fair Political Practices Commission: <http://www.fppc.ca.gov>
Institute for Local Government: <http://www.ca-ilg.org>

ADMINISTRATION

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SUPERINTENDENT'S CONTRACT

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and ~~shall employ a~~ Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use ~~a term~~ of district resources.

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position
2. The duration of the contract, which shall be for ~~no not~~ more than four years pursuant to Education Code 35031.
3. The salary, benefits, and other compensation for the position
4. The criteria, process, and procedure for evaluation and the conditions for reemployment
5. The conditions for termination of the contract including the maximum cash settlement that ~~Board shall designate a representative to negotiate with~~ the Superintendent may receive upon termination of ~~on its behalf and shall consult legal counsel to draft~~ the contract ~~document~~.

The Board shall deliberate in ~~the~~ closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

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

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

~~During an existing contract, the Board may reemploy The contract shall include, but not be limited to, provisions for salary and benefits, annual evaluations, term of the contract, and conditions for termination of the contract. The contract should also include general responsibilities and duties of the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's-~~
The Superintendent's contract shall be extended only by Board action ~~and~~ subsequent to a satisfactory evaluation of the ~~Superintendent's~~ Superintendent's performance and in accordance with Government Code 3511.2.

DECISION NOT TO REEMPLOY

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

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TERMINATION OF CONTRACT

The Board may terminate the Superintendent's shall notify the Superintendent no less than 45 days before his/her current contract expires of employment in accordance with law and applicable its intention not to renew the contract provisions. If the above notice has not been given, the Superintendent shall be re-elected for a term of the same length as the one completed, under the same terms, and with the same compensation. The Board shall evaluate the Superintendent's performance early enough to ensure compliance with this notice requirement and any requirements of the existing contract.

If the Board enters into a rollover or evergreen contract, the contract's extension shall be contingent upon a satisfactory evaluation of the Superintendent's performance.

The Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the contract. However, if the unexpired term of the contract is moregreater than 18 months, the maximum cash settlement shall be no greatermore than the Superintendent's Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncashnon-cash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

However, whenIf the termination ofBoard terminates the Superintendent'sSuperintendent's contract is based upon the Board'sits belief and subsequent confirmation throughpursuant to an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

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

LEGAL REFERENCEREFERENCES

EDUCATION CODE

35031 -Term of employment
41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives
53243-53243.4 Abuse of office
53260-53264 Employment contracts
54954 Time and place of regular meetings

ADMINISTRATION

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54957 Closed session personnel matters
54957.1 Closed session, public report of action taken

MANAGEMENT RESOURCES CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006
Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEBSITES

CSBA, Governance Consulting Services: <http://www.csba.org>
Association of California School Administrators: <http://www.acsa.org>

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FILLING VACANCIES

EVENTS CAUSING A VACANCY

A vacancy on the Governing Board may occur ~~by a failure to elect or~~ for any of the following events:

1. The death of an incumbent (~~Government Code 1770~~)-
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (~~Government Code 1770~~)-
3. A Board ~~member's~~member's resignation (~~Government Code 1770~~)-

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the ~~district~~District, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (~~Education Code 5090~~)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (~~Education Code 5090, 5091~~)

4. A Board ~~member's~~member's removal from office, including ~~by~~ recall- (Elections Code 11384; ~~Government Code 1770~~)
- 1.5. A Board ~~member's~~member's ceasing to be ~~an inhabitant of the state or~~ resident of the ~~district~~ District (~~Government Code 1770~~)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen.888, 1975)

- 2.6. A Board member's absence from the state ~~beyond the period allowed by law without the permission required by law. No Board member shall be absent from the state~~ for more than 60 days, except in ~~any of~~ the following situations: (~~Government Code 1064, 1770~~)
 - a. Upon ~~business of the school~~district ~~business~~ with ~~the~~ approval of the Board.
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days-

In the case of illness or other urgent necessity, and upon a proper showing thereof, the

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time limited for absence from the state may be extended by the Board ~~for an additional period not to exceed 30 days.~~

- c. For federal military deployment, not to exceed **an absence of a total of six months**, as a member of the armed forces of the United States or the California National Guard.

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities. **The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.**

~~1.7.~~A Board ~~member's~~**member's** ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by ~~illness~~**sickness** or when absent from the state with the permission required by law **(Government Code 1770)**.

~~3.8.~~A Board ~~member's~~**member's** conviction of a felony or any offense involving a violation of his/her official duties **or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)**.

~~4.9.~~

~~5.~~A Board ~~member's~~**member's** refusal or neglect to file his/her required oath or bond within the time prescribed **(Government Code 1770)**.

10.

~~The decision~~**SPECIAL ELECTIONS**

~~Within 60 days of a competent tribunal declaring void a the date of the vacancy or the filing of the~~ Board member's ~~deferred resignation, the Board may order an~~ election **or appointment (Government Code 1770)** ~~to fill the vacancy.~~

11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond **(Government Code 1770)**

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final **(Government Code**

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1770)

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

TIMELINES FOR FILLING A VACANCY

~~If a vacancy occurs from six months to 130 days before a regularly scheduled Board election, and the position is not scheduled to be filled at that election, the position shall be filled at a special election which shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she as elected to fill.~~

~~1.~~ **TIMELINES FOR FILLING A VACANCY**

- ~~2.~~1. When a vacancy occurs, the Board shall take the following action, as appropriate: When a vacancy occurs ~~within~~ ~~less than~~ four months ~~of~~ ~~before~~ the end of a Board ~~member's~~ ~~member's~~ term, the Board shall take no action. (Education Code 5093)
- ~~3.~~2. When a vacancy occurs ~~longer than~~ four ~~or more~~ months before the end of a Board ~~member's~~ ~~member's~~ term, the Board shall, within 60 days of the date of the vacancy or the filing of the ~~member's~~ ~~member's~~ deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. -(Education Code 5091, 5093)
- ~~4.~~3. When a vacancy occurs from six months ~~to~~ ~~or~~ 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

ELIGIBILITY

In order to be appointed or elected to fill **PROVISIONAL APPOINTMENTS**

~~Within 60 days of the date of a vacancy or filing of a deferred resignation,~~ the Board, a person must meet the eligibility requirements specified in Education Code 35107.

PROVISIONAL APPOINTMENTS

~~When authorized by law to may make a provisional appointment to fill a for any vacancy on that occurs four or more months before the Board end of the Board member's term, unless the vacancy occurs from six months to 130 days before a regularly scheduled Board election and the vacant position is not scheduled to be filled at that election.~~

~~In order to draw from the largest possible number of candidates,~~ the Board shall advertise in the local media to solicit candidate applications or nominations. -A committee consisting of less than a quorum of

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the Board shall ensure that ~~screen the~~ applicants are eligible for Board membership and ~~and~~ announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a ~~deferred~~ ~~dated~~ resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092):

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee.
3. The date of appointment.
4. A statement notifying the voters that ~~the provisional appointment shall become effective immediately and shall continue~~ unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent ~~of Schools~~ within 30 days of the provisional appointment, it shall become an effective appointment.

The person appointed shall hold office until the next regularly scheduled election for ~~district~~ District Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

APPOINTMENT DUE TO FAILURE TO ELECT

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

LEGAL REFERENCE REFERENCES

EDUCATION CODE

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5000-5033 Elections

~~5012 — Declaration Candidacy or Nomination; Withdrawal~~

~~5090-5095 — Definition (Vacancy)~~

~~5091 — Special Election or Provisional Appointment~~

~~5092 — Public Notice of Vacancy and Provisional Appointment~~

~~5093 — Re Vacancies Occurring Near End of Term and Incumbent Not Reelected~~

~~5094 — Power of President of County Board of Education when Majority of Offices Vacant~~

~~5095 — Powers of Remaining Board Members and New Electees or Appointees~~

~~5200-5208 — Districts governed Governed by boards Boards of education Education~~

~~5300-5304 5304 — Duties of the Governing Board (re School District Elections)~~

~~5325 — Publication of Information Regarding District Elections~~

~~5320-5329 Order and call 5424 — Expenses of election~~

~~5340-5345 Consolidation of elections~~

~~5360-5363 Conducting Legal Recall Election notice~~

~~5420-5426 Cost of elections~~

~~5440-5442 Miscellaneous provisions, elections~~

~~35107 — Eligibility of board members~~

~~35178 Resignation with deferred effective date~~

ELECTIONS CODE

~~10600-10604 School district elections~~

~~11381-11386 Candidates for recall~~

~~27344 — Vacancy in Office if Majority Vote for Recall~~

GOVERNMENT CODE

~~1064 — Absence from state State~~

~~1770 — Vacancies: definition Definition~~

~~3000-3003 Forfeiture of office~~

~~6061 — One Time~~

~~3060-3075 — 3074 — Removal other than by impeachment Impeachment~~

~~6061 One time notice~~

~~54950-54963 The Ralph M. Brown Act~~

PENAL CODE

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88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

MANAGEMENT RESOURCES

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEBSITES

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

California State Attorney General's Office, Quo Warranto Applications:

http://ag.ca.gov/opinions/quo_warranto.php

~~54953 Meetings Open and Public; Secret Ballots~~

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CLOSED SESSION PURPOSES ACTIONS AND AGENDAS REPORTS

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall ~~may~~ hold closed sessions only for purposes authorized by ~~identified in~~ law. ~~A The Board may hold a~~ closed session ~~may be held~~ at any time during a regular, ~~or special, or meeting and during~~ emergency ~~meeting~~ meetings in accordance with law. ~~(Government Codes 54956.5, 54957.7, 54962)~~

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

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

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

~~In accordance with law,~~ a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

PERSONNEL MATTERS

The Board may hold a closed ~~session~~ sessions to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. ~~Such a closed session~~ ~~These sessions~~ shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold a closed ~~session~~ sessions to hear complaints or charges brought against an employee by another person ~~or employee~~, unless the employee requests an open session.

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

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

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

NEGOTIATIONS/COLLECTIVE BARGAINING

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

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization-
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process-
3. Any hearing, meeting, or investigation conducted by a ~~factfinder~~fact-finder or arbitrator-
- ~~1-4.~~ Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives-

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

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

~~Closed sessions~~~~Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed session meetings~~ may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

~~For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation.~~

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or ~~a~~mediator who has intervened in

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~~these~~ proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative ~~asse~~ long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

MATTERS RELATED TO STUDENTS

~~The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action, except expulsion, against a student when a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student.~~

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

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

SECURITY MATTERS

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

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

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the members are present, then the Board must agree by a unanimous vote of ~~the~~ members present. (Government Code 54956.5)

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

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

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

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

PENDING LITIGATION

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

Litigation ~~is~~~~shall be~~ considered "pending" ~~in~~~~when~~ any of the following circumstances: (Government Code 54956.9)~~exist:~~

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

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~~2.3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation.~~

Existing facts and circumstances **for these purposes**" ~~authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above~~ are limited to the following: **(Government Code 54956.9)**

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an ~~accident, disaster, incident, a disasters, or a~~ transactional ~~occurrence~~**occurrences** which might result in litigation against the district, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. **Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.**

~~The above record does not need to identify an alleged victim of tortuous sexual conduct or anyone making a threat on their behalf or identify an employee who is the alleged perpetrator of any unlawful or tortuous conduct, unless the identity of this person has been publicly disclosed.~~

Before holding a closed session pursuant to **the pending litigation exception**~~this section~~, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. **(Government Code 54956.9)**

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

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

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

JOINT POWERS AGENCY ISSUES JPA / SELF-INSURANCE LIABILITY CLAIMS

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

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

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

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

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

REVIEW OF AUDIT REPORT FROM BUREAU OF STATE AUDITS

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

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Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

REVIEW OF ASSESSMENT INSTRUMENTS

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that ~~the~~ Education Code 60617 ~~authorizes~~ ~~requires~~ closed session for this purpose in order to maintain the confidentiality of the assessment under review.

LEGAL REFERENCES

EDUCATION CODE

35145 -Public ~~meetings~~ Meetings

35146 -Closed ~~session~~ Session (re ~~student suspension~~ Student Suspension)

44929.21 ——— Districts with ADA of 250 or ~~more~~ More

~~48912~~ ~~48918~~ — Rules-Governing ~~board suspension~~

~~48918~~ Rules governing expulsion procedures; ~~hearings~~ Expulsion Procedures, Hearings and ~~notice~~ Notice

~~49070~~ Challenging content of students records

~~49073~~ — Release of Directory Information

~~49076~~ — Access to Records by Persons without Written Parental Consent (re Invasion of Privacy)

~~49079~~ — Notification to Teacher Re: Students Whose Actions are Grounds for Suspension or Expulsion

60617 -Meetings of ~~governing board~~ Governing Board

GOVERNMENT CODE

3540—3549.3 -Educational Employment Relations Act

~~6252-6270~~ ~~6250~~—~~6268~~ California Public Records Act

54950-~~54963~~ —~~54962~~—The Ralph M. Brown Act

COURT DECISIONS

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

Bell v. Vista Unified School District, (2001~~2000~~) 82 Cal.App. 4th 672

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

Furtado v. ~~Sierra~~ ~~Dierra~~ Community College District, (1998) 68 Cal.App. 4th 876

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Roberts v. City of Palmdale, (~~1~~1993) 5 Cal.App. 4th 363
Sacramento Newspaper Guild v. Sacramento County Board of Supervisors,
(1968) 263 Cal.App. 2d 41, ~~69 Cal. Rptr. 480~~

ATTORNEY GENERAL OPINIONS

~~9478~~ Ops. Cal. Atty. Gen. 82 (2011)~~218 (1995)~~

~~8659~~ Ops. Cal. Atty. Gen. 210 (2003)

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

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

MANAGEMENT RESOURCES

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, ~~2009~~1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, ~~California Attorney General's Office,~~ 2002

LEAGUE OF CALIFORNIA CITIES ~~CITY ATTORNEY~~ PUBLICATIONS

Open and Public ~~IVIII~~: A ~~User's~~ Guide to the Ralph M. Brown Act, ~~rev. July 2010~~2000

WEBSITES

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

WEB SITES

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

California Attorney ~~General's~~General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

<http://www.caag.state.ca.us>

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AGENDA / MEETING MATERIALS

AGENDA CONTENT

Governing Board of Trustees meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. *(Government Code 54954.2)*

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. *(Education Code 35145.5; Government Code 54954.3)*

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting.

The agenda shall specify that an individual **should contact the Superintendent or designee if he/she who** requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. ~~should contact the Superintendent or designee in writing.~~

AGENDA PREPARATION

The **Board president and the Superintendent**, as secretary to the Board, ~~in consultation with the Board president,~~ shall **work together to develop/prepare** the agenda for each regular and special meeting. **Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.**

Any **Board member or of the public or any Board member of the public** may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. **The request shall be submitted in writing,** ~~provided however that no item previously considered and voted on by the Board (regardless of whether a Board member or member of the public placed the item on the agenda) shall be placed on the Board agenda again except under the following conditions to be determined by the Secretary of the Governing Board:~~

- ~~1. Two members of the Governing Board request the item be placed on the agenda again or,~~
- ~~2. The Secretary of the Governing Board determines that the item has been previously considered and voted on by the Board but that there is new relevant and material information which was not part of the prior consideration or that a reasonable period of time but not more than one year has passed since the matter was previously considered.~~

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~~It shall be within the sole discretion of the Secretary of the Governing Board to determine whether an item is the same or substantially the same as an item previously considered and voted on by the Board; an item which is determined to be substantially the same as an item previously considered and voted on by the Board, shall be subject to reconsideration as provided herein.~~

~~All agenda items which are placed on the agenda and which have been considered and voted on previously by the Board shall be identified as **requests for reconsideration**. The Board then will determine whether it wishes to reconsider the matter, and if it determines the matter is to be reconsidered, the item shall then become an agenda item for full consideration at a subsequent and duly noticed Board meeting.~~

~~Regardless of whether the Secretary of the Governing Board or two members of the Governing Board place a matter on the agenda again, the matter will not be placed on the agenda for reconsideration a third time within a one-year period from the time the Board voted on the matter, unless the Secretary of the Governing Board determines that the item has been previously considered and voted on by the Board but that there is new relative and material information which was not part of the prior consideration.~~

~~If the secretary of the Governing Board determines not to place an item on the agenda because it has been previously considered by the Board, the Secretary shall promptly inform the Board of all such decisions and the reasons for such decisions.~~

~~Requests to place an item on the agenda must be made in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.~~

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board.

Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, **before placing the item on the agenda**, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation ~~before placing the item on the agenda~~.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item **subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated**, ~~informational item or consent item~~.

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~~When an item properly posted for a regular meeting is continued to a subsequent meeting, it may not be on the agenda of the subsequent meeting if the subsequent meeting occurs within five days. The Board shall publicly identify the item before discussing it.~~

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. ~~(Government Code 53635.7)~~

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

CONSENT AGENDA/CALENDAR ITEMS

In order to promote efficient meetings, the Board may **bundle a number of items** and act upon **them together** ~~more than one item~~ by a single vote through the use of a consent agenda. Consent **agenda** items shall be items of a routine nature ~~and/or~~ items for which ~~no~~ Board discussion is **not** anticipated and for which the Superintendent recommends approval.

~~When any Board In accordance with law, the public has a right to comment on any consent item. At the request of any member requests of the removal of an Board, any item from on the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.~~

~~The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)~~

AGENDA DISSEMINATION TO BOARD MEMBERS

~~At~~A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, **each Board member shall be provided a copy of the agenda and agenda packet, including together with** the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent ~~or designee and president~~ shall make every effort to distribute the agenda and ~~supporting support~~ materials to Board members as soon as possible **before the meeting.**

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to **ask questions and/or** request additional information on agenda items. **However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.**

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AGENDA DISSEMINATION TO MEMBERS OF THE PUBLIC

~~Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)~~

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. ~~(Government Code 54954.1)~~

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting.

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act.

~~Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act.~~

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. ~~(Government Code 54954.1)~~

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, ~~not to exceed the cost of providing the service.~~

LEGAL REFERENCES

EDUCATION CODE

- 35144 —Special ~~meetings~~Meetings
- 35145 —Public ~~meetings~~Meetings
- 35145.5 —Right of ~~public~~Public to ~~place matters~~Place Matters on ~~agenda~~Agenda

GOVERNMENT CODE

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6250-6270 Public Records Act

- 53635.7 — Separate ~~item~~Item of ~~business~~Business
- 54954.1 — Mailed ~~agenda~~Agenda of ~~meeting~~Meeting
- 54954.2 — Agenda ~~posting requirements; board actions~~Posting Requirements; Board Actions
- 54954.3 — Opportunity for ~~public~~Public to ~~address legislative body~~Address Legislative Body
- 54954.5 — Closed ~~session item descriptions~~Session Item Descriptions
- 54956.5 — Emergency ~~meetings~~Meetings
- 54957.5 — Public ~~records~~Records
- 54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

- ~~12101-~~12213 — Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

- ~~35.160~~ 35.160 Effective ~~communications~~Communications
- ~~36.303~~ 36.303 Auxiliary ~~aids~~Aids and ~~services~~Services

COURT DECISIONS

- Mooney v. Garcia, (2012) 207 Cal.App.4th 229
- Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

MANAGEMENT RESOURCES

CSBA PUBLICATIONS

- Call to Order: A Blueprint for Great Board Meetings, 2010
- The Brown Act: -School Boards and Open Meeting Laws, ~~rev. 2009~~1999

ATTORNEY GENERAL PUBLICATIONS

- The Brown Act: -Open Meetings for Legislative Bodies, ~~rev. 2003~~

WEBSITES

- CSBA, Agenda Online: <http://www.csba.org>
- California Attorney ~~General's~~General's Office: <http://www.oag.ca.gov>, ~~2002~~

CALIFORNIA CITY ATTORNEY PUBLICATIONS

- [Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000](#)

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ACTIONS BY THE BOARD

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An ~~"action"~~ by the Board ~~of Trustees~~ means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members.
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

ACTION ON NON-AGENDA ITEMS

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda ~~was~~ posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

CHALLENGING BOARD ACTIONS

~~The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)~~

~~The district attorney or any interested person~~~~Any interested person or the district attorney's office~~ may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following:~~Government Code 54954.2 (agenda posting), Government Code~~

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~~54953 (open meeting and teleconferencing), Government Code 54954.5 (closed session item descriptions), Government Code 54954.6 (new or increased tax assessments), Government Code 54956 (special meetings), or Government Code 54956.5 (emergency meetings).~~ (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

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LEGAL REFERENCE

EDUCATION CODE

15266 -School construction bonds
17466 -Declaration of intent to sell or lease real property
17481 -Lease of property with residence for nondistrict purposes
17510-17511 Resolution requiring unanimous vote of all members constituting board
17546 -Private sale of personal property
17556-17561 Dedication of real property
17582-17583 District deferred maintenance fund
35140-35149 Meetings
35160-35178.4 Powers and duties
48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue
1245.240 ———Eminent domain vote requirements
1245.245 ———Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities
53724 -Parcel tax resolution requirements
53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950-54963 The Ralph M. Brown Act, especially:
54952.6 ———Action taken, definition
54953 -Meetings to be open and public; attendance; secret ballots
54960-54960.5 ~~Actions~~ ~~—————Action~~ to prevent violations
65352.2 ———Coordination with planning agency

PUBLIC CONTRACT CODE

3400 ———Bid specifications
20111 ———Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20113 ———Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors, (2003) 112 Cal.App.4th 1313
McKee v. Orange Unified School District, (2003) 110 Cal.App.4th 1310

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Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109

MANAGEMENT RESOURCES

CSBA PUBLICATIONS

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

ATTORNEY GENERAL PUBLICATIONS

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

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEBSITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: May 9, 2013

BOARD MEETING DATE: May 16, 2013

PREPARED BY: John Addleman, Director, Planning Svcs.
Eric R. Dill, Assoc. Superintendent, Business

SUBMITTED BY: Ken Noah
Superintendent

SUBJECT: PROPOSED MIDDLE SCHOOL #5
CONCEPTUAL DESIGN UPDATE

EXECUTIVE SUMMARY

As an update to the April 17, 2013 Board Workshop, the architect and staff will make a presentation to the Board. Presentation material, if any, will be available at the meeting.

RECOMMENDATION:

This item is being submitted as an information item.