Durham Unified School District

Regular and Annual Organizational Meeting of the Board of Trustees
Wednesday, December 19, 2018

6:00 p.m. ORGANIZATIONAL MEETING

CLOSED SESSION IMMEDIATELY FOLLOWING
(RETURN TO OPEN SESSION AT 7:00 P.M.)
District Boardroom
9420 Putney Drive, Durham, CA 95938

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ANNUAL ORGANIZATION OF GOVERNING BOARD
   1. Oath of Office:
      Lance Smith
      Matthew Thorpe
   2. Election of Board Officers:
      Election of Board President
      Election of Board Clerk
      Appoint Secretary (Employee)
   3. Establishment of 2019 Regular Board Meeting Dates, Times, and Location

D. MOVE TO CLOSED SESSION

E. CLOSED SESSION
   1. Conference with Labor Negotiators Agency designated representatives:
      Board President, Unrepresented Employee(s): Superintendent
      (Government Code 54957.6)
   2. Conference with Labor Negotiators Agency designated representatives: Superintendent
      Lloyd Webb
      Employee Organizations: Administrative,
      CTA, CSEA, and Classified Confidential
      (Government Code 54957.6)
   3. Public Employee Discipline / Dismissal / Release / Complaint
      (Government Code 54957)
   4. Public Employee Performance Evaluation: Superintendent
      (Government Code 54957)
   5. Public Employee Appointment/Employment: Superintendent
      (Government Code 54957)
F. RETURN TO OPEN SESSION

G. REPORT OF ACTION TAKEN IN CLOSED SESSION

H. ADJUSTMENTS TO ORDER OF AGENDA

I. ITEMS FROM THE PUBLIC
The law allows the public to address the governing board on any school district matter, whether or not it is on the agenda, but the law prohibits action or discussion by the Board on non-agenda items. 

_A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits. Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 20 minutes._ With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (BB9323)

Questions or concerns expressed may be referred to the Superintendent, Lloyd Webb, for a response or resolution. Those persons wishing to contact the Superintendent may do so by phone at (530) 895-4675 x 227 or by email _lwebb@durhamunified.org_

J. DISTRICT REPORTS
1. Student of the Month
2. DUTA
3. MOT (Maintenance, Operations and Transportation)
4. Superintendent
5. Business Manager
6. Principals

K. CONSENT AGENDA

1. Minutes of Regular Meeting November 14, 2018

2. Minutes of Special Meeting November 23, 2018

3. Accounts Payable Warrants for the Month of November 2018

4. Approve donation of $2500 to Durham Unified School District from Deleeuw Family.

5. Correction: Correction to Number of Board Resolution 19-04: Resolution to provide Board Designee with Authority to direct Superintendent to unilaterally take action on behalf of the Board of Trustees to aid disaster recovery efforts, passed by the Durham Board of Trustees on November 23, 2018 will be numbered: #19-05.
6. Approve Durham High School Winter Sport Schedules

7. Approve Durham Intermediate Winter Sport Schedules

8. Employment:
   
   Certificated Resignation:
   
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Effective Date</th>
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</thead>
<tbody>
<tr>
<td>Julie Houtman</td>
<td>DES Title 1 Teacher</td>
<td>11-30-2018</td>
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9. Coaches 2018-2019

<table>
<thead>
<tr>
<th>NAME</th>
<th>SPORT</th>
<th>POSITION</th>
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<tbody>
<tr>
<td>Kyle Lynch</td>
<td>DIS Basketball</td>
<td>Volunteer</td>
</tr>
<tr>
<td>Shelby McClintock</td>
<td>DIS Basketball</td>
<td>Volunteer</td>
</tr>
<tr>
<td>Miguel Ramirez</td>
<td>Boys Soccer</td>
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<tr>
<td>Andy Quiering</td>
<td>Baseball</td>
<td>Volunteer</td>
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<td>Tom Miller</td>
<td>Baseball</td>
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<tr>
<td>Kevin Ricktor</td>
<td>Baseball</td>
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<tr>
<td>Tran Lauver</td>
<td>Baseball</td>
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<tr>
<td>Denny Todd</td>
<td>Baseball</td>
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<tr>
<td>Shane Scott</td>
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<tr>
<td>Heather Pedrozo</td>
<td>Softball</td>
<td>Volunteer</td>
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11. Fund Raising

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<tr>
<th>Event</th>
<th>Date</th>
<th>Estimated Revenue</th>
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<tr>
<td>DES Student Council Candy Grams</td>
<td>12/10/2018 - 12/14/2018</td>
<td>$200.00</td>
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<td>DES Student Council Math-A-Thon</td>
<td>1-11-2019 – 2/8/2019</td>
<td>$10,000.00</td>
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</table>

L. INFORMATION ITEMS:


M. DISCUSSION ITEMS:

1. **Discussion:** Jamee Mendonca re: High School Curriculum and Scheduling.

2. **Discussion:** The Board will review said policies with the option of adoption on First Reading of Board Policy updates:
   a. BP 5144.1 Suspension and Expulsion/Due Process
   b. AR 5144.1 Suspension and Expulsion/Due Process
c. BP 5148.3 Preschool/Early Childhood Education
d. AR 5148.3 Preschool/Early Childhood Education
e. BP 6142.3 Civic Education
f. BP 6145.2 Athletic Competition
g. AR 6145.2 Athletic Competition

N. ACTION ITEMS:

1. **Action:** Adoption of 2019 Board Meeting Calendar.

2. **Action:** First Reading/Adoption of Board Policy.

3. **Action:** Adoption of Corrections to the 2018-2019 Durham Unified Teachers Association Bargaining Agreement. (Available at District Office for review.)

4. **Action:** Approve Selection of Independent Auditor for 2018-19 through 2020-21

5. **Action:** Adoption of First Interim Budget 2018-2019.
   (Available at District Office for review.)


7. **Action:** Adoption of Resolution #19-07 regarding Annual Accounting of Development Fees for 2017-2018 Fiscal Year in the Capital Facilities (Developer Fee) Fund. Government code sections 66001(d) and 66006 (b) require this District to make an annual accounting of the Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year. This Resolution makes various findings and takes action regarding the Fund as required by the above Government codes.

O. ITEMS FROM THE BOARD

P. CLOSED SESSION

Q. RETURN TO OPEN SESSION

R. REPORT OF ACTION TAKEN IN CLOSED SESSION

S. NEXT BOARD MEETING DATE: To be announced

T. ADJOURNMENT

Notes:
**Agenda item documents are available for public inspection during regular business hours at the District Office.**

**Handout will be provided at the board meeting. If you require special accommodations to participate in the meeting, please advise Tina Blenn, District Secretary, 48 hours in advance at 895-4675 x227**
Durham Unified School District  
Regular Meeting of the Board of Trustees  
Wednesday, November 14, 2018  
6:00 p.m.  
(RETURN TO OPEN SESSION AT 7:00 P.M.)  
District Boardroom

Minutes

A regular meeting of the Board of Trustees of the Durham Unified School District was held in the Durham Unified School District Board Room, Wednesday, November 14, 2018 and begun at 6:00 pm.

Trustees Present: Kathy Horn, Ed McLaughlin and Lance Smith  
Trustees Absent: Alex DuBose and Todd Southern  
Staff Members Present: Superintendent Lloyd Webb and District Secretary Tina Blenn  
Staff Members Absent: CBO Ron Sherrod, All Principals, MOT Manager and Special Education Director excused due to the Camp Fire Evacuation.

A. CALL TO ORDER
President Ed McLaughlin called the DUSD Board of Trustees meeting to order at 6:00 pm.

B. MOVE TO CLOSED SESSION

C. CLOSED SESSION
1. Conference with Labor Negotiators Agency designated representatives: Board President Ed McLaughlin, Unrepresented Employee(s), Superintendent (Government Code 54957.6)
2. Conference with Labor Negotiators Agency designated representatives: Superintendent Lloyd Webb and Attorney Tom Gauthier  
   Employee Organizations: Administrative, CTA, CSEA, and Classified Confidential (Government Code 54957.6)
4. Public Employee Performance Evaluation: Superintendent (Government Code 54957)

D. RETURN TO OPEN SESSION
President Ed McLaughlin reconvened Open Session at 7:05 pm.

E. PLEDGE OF ALLEGIANCE
Trustee-elect Matthew Thorpe, led the Pledge of Allegiance.

F. REPORT OF ACTION TAKEN IN CLOSED SESSION
No action was taken in closed session.

G. ORDER OF AGENDA
Agenda accepted as written.

H. ITEMS FROM THE PUBLIC
There were no comments from the public
I. DISTRICT REPORTS

Superintendent, Lloyd Webb

The Principals, Director of Special Education and MOT Manager have been excused from the meeting for enrollment preparation for evacuated students of the Camp Fire. The impact of this event has never been seen before. A Summit meeting, hosted by BCOE, included all Butte County School Districts, Office of Emergency Services, FEMA, Butte County Sheriff Honea, and California Department of Education Directors.

Key points from the Summit: An overview on student placement and homeless information was given; this is so fluid that it mainly remains a question/forum session.

There have been an estimated 5,000 students displaced from the Camp Fire. Each School District has been asked to name an Administrator as Homeless Coordinator which will be Lloyd Webb. The District has also been instructed to appoint a Student Enrollment Contact which will be Tina Blenn at the District Office.

Schools remain closed until at least the 26th of November. This may change. That’s a county office decision.

What we will do here in Durham is to prepare our sites for both our returning students and the possibility of additional students. Extra furniture has been located and can be here in short order. This will start in earnest as soon as the campuses are cleared by FEMA.

About 300 Deputies are housed at the DHS gym. At their request, DHS is closed to all.

All school sites have to be cleaned by FEMA approved service, prior to reopening. It is important to remember that smoke and debris from burning structures is more dangerous than the same from a forest fire. District property is closed until we are cleared and I communicate that to everyone.

All of our sites are off limits until further notice. The air quality, along with the solid matter deposited by the fire, require this. We have to err on the side of caution for everyone concerned, especially the kids.

There are several thousand displaced students. Enrolling said students will become a centralized process overseen by Butte County Office of Education. A communication with pertinent details from Tim Taylor, County Superintendent, will be forthcoming.

Note: Current Durham students remain enrolled here and no process or paperwork is required for their enrollment to remain in effect.

For info from the County Office of Education… use bcoe.org, and on Facebook, BCOE Crisis Response.

Finally, it is human nature (and even more so in Durham, I have found) to want to help those in need, and that is admirable to say the least. I encourage everyone to do so in the way you feel is most beneficial to others. However, those activities can’t be centered on campus or District property. Particularly now.

Football playoffs continue with Durham vs. Colusa – Friday, November 16 at Shasta College in Redding beginning at 6 p.m.
J. CONSENT AGENDA
The Consent Agenda was approved as read.
Moved: Todd Southam  Second: Alex DuBose  Vote: 5-0  Abstained: 0  Absent: 0

K. INFORMATION ITEMS
All Information Items #1 - #4 have been removed and placed on the December 19, 2018 Board Meeting Agenda.

L. ACTION ITEMS:
1. **Action:** Discussion/Consideration of Competitive Cheer at Durham High School. The Board approved the addition of Competitive Cheer.
   **Approved**
   Moved: Kathy Horn  Second: Lance Smith  Vote: 3-0  Abstained: 0  Absent: 2
   
2. **Action:** Public Hearing: Consideration/Approve Carl Perkins Vocational and Technical Education Improvement Act Waiver. The Carl D. Perkins Vocational and Technical Education Improvement Waiver was approved.
   Moved: Kathy Horn  Second: Lance Smith  Vote: 3-0  Abstained: 0  Absent: 2
   
3. **Action:** Discussion/Consideration to approve updated Board Policies on First Reading.
   The Board approved the updates to Board Policies a-h on a blanket motion on the First Reading.
   Board Policies Updated:
   BP 0420.42 Charter School Renewal
   BP 1100 Communication with Public
   BP 3290 Gifts, Grants and Bequests
   AR 3320 Claims and Actions Against the District
   AR 3460 Financial Reports and Accountability
   BP 4114 Transfers
   BP 5141.6 School Health Services
   AR 5141.6 School Health Services
   **Motion:** Kathy Horn  Second: Lance Smith  Vote: 3-0  Abstained: 0  Absent: 2

M. ITEMS FROM THE BOARD OF TRUSTEES
Trustee Lance Smith: Thank you Durham community for passing the School Bond!!
Trustee Ed McLaughlin: Prior to selling Bonds, we will have an oversight committee. This process will not begin until the first of the year.
Trustee Kathy Horn: I have heard nothing but good things revolving around our athletes’ good behavior and sportsmanship. We have many teams, so nice to hear that other people notice the good behavior of our Durham kids.

N. RETURN TO CLOSED SESSION
No return to closed session

O. NEXT BOARD MEETING DATE: December 19, 2018

P. ADJOURNMENT
President Ed McLaughlin adjourned the meeting of the DUSD Board of Trustees at 7:45 pm.

Notes: *Agenda item documents are available for public inspection during regular business hours at the District Office. **Handout will be provided at the board meeting. If you require special accommodations to participate in the meeting, please advise Tina Blenn, District Secretary, 48 hours in advance at 895-4675 x227*
Durham Unified School District
SPECIAL Meeting of the Board of Trustees
Friday, November 23, 2018
8:30 A.M. Closed Session – 9:00 A.M. Open Session
District Board Room

Minutes

A Special Meeting of the Board of Trustees of the Durham Unified School District was held in the Durham Unified School District Board Room on Friday, November 23, 2018.

Trustees Present: Alex DuBose, Kathy Horn, Ed McLaughlin and Lance Smith
Todd Southam – present via teleconference.

Administration Present: Superintendent Lloyd Webb, CBO Ron Sherrod and District Secretary Tina Blenn

A. Call to Order
Trustee Ed McLaughlin called the meeting to order at 8:35 a.m. in the District Board Room.

B. Items from the Public: None

C. Closed Session
1. Conference with Labor Negotiators Agency designated representatives:
   Board President Todd Southam, Unrepresented Employee(s): Superintendent
   (Government Code 54957.6)
2. Conference with Labor Negotiators Agency designated representatives:
   Superintendent Lloyd Webb
   Employee Organizations: Administrative, CTA, CSEA, and Classified Confidential
   (Government Code 54957.6)
3. Public Employee Discipline / Dismissal / Release / Complaint
   (Government Code 54957)
4. Public Employee Performance Evaluation: Superintendent
   (Government Code 54957)
5. Public employee interview and possible appointment: Intermediate School Principal

D. Return to Open Session: 10:04 a.m.

E. Pledge of Allegiance
Trustee Alex DuBose led the Pledge of Allegiance.

D. Report of Action Taken in Closed Session
No action taken

E. Items from the Public
Jona O’Shea: expressed her sincere appreciation for Resolution presented to her during the October 17th Board Meeting.
Kathy Horn: as a member of the public said that there were many turkeys and hams donated for families to be given, but few have received them. There will be sandwiches served tomorrow and donation of the ones remaining.

F. Discussion/Action Items:
   1. **Action:** Approval of Professional Services Agreement with Dannis Woliver Kelley for Legal Services for District during the Camp Fire Disaster Relief from November 13, 2018 through June 30, 2019.

      Motion Kathy Horn   Second Lance Smith   Vote 4-0   Absent 1

   2. **Action:** Approval of Resolution No. 19-04, to provide Board President or available Board designee authority to authorize Superintendent to unilaterally take action on behalf of the Governing Board to Aid Fire Recovery Efforts of the Durham Unified School District. Trustee Alex DuBose requested an efficient weekly communication during this Fire Recovery effort.

      Motion Lance Smith   Second Kathy Horn   Vote 4-0   Absent 1

   3. **Discussion/Action:** Approval to enter into Agreement with Paradise Unified School District to lease and/or contract for classroom space for Elementary Students to be placed at Durham Unified School District.

      Motion Kathy Horn   Second Lance Smith   Vote 4-0   Absent 1

F. Next Board Meeting Date: Wednesday, December 19, 2018

G. Adjournment: 10:23 A.M.
### Checks Dated 11/01/2018 through 11/30/2018

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The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.
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The foregoing Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

010 - Durham Unified School District

Generated for Jill Hernandez (JHERNANDEZ), Dec 12 2018 8:15AM
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The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.
## Board Report

### Checks Dated 11/01/2018 through 11/30/2018

<table>
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<th>Check Number</th>
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<th>Pay to the Order of</th>
<th>Fund-Object</th>
<th>Comment</th>
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**Total Number of Checks**: 80

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**Total Number of Checks**: 80

**Less Unpaid Tax Liability**: .00

**Net (Check Amount)**: 132,361.66

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.
COMMONWEALTH (408) 531-3100 * (800) 864-1688
CREDIT UNION www.wealthcu.org

DATE CHECK NO.
11-30-18 500002860

TWO THOUSAND FIVE HUNDRED AND 00 DOLLARS

PAY TO THE ORDER OF
THE DURHAM UNIFIED SCHOOL DISTRICT
IN THE NAME OF R DELEEUW

PAYABLE THROUGH FIRST INTERSTATE BANK
BILLINGS, MT

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

CASHIER'S CHECK

AMOUNT
*******2,500.00
DURHAM UNIFIED SCHOOL DISTRICT

Resolution No. 19-05

IN THE MATTER OF: Resolution to Provide Board Designee with Authority To Direct Superintendent to Unilaterally Take Action on Behalf of the Board of Trustees to Aid Disaster Recovery Efforts

The following RESOLUTION was duly passed by the Board of Trustees of the Durham Unified School District, at a special meeting held on November 23, 2018, by the following roll call vote:

Durham Unified School District Board of Trustees
Alex DuBose
Kathy Horn
Ed McLaughlin
Lance Smith
Todd Southam

Signed and approved by me after its passage:

Todd Southam, President
Attest:

Lance Smith, Clerk

WHEREAS, the Board of Education was elected by the residents to determine policy and approve programming for the students of the District, within the confines of both federal and state statutes governing education.

WHEREAS, the Board is also the employer of certificated, classified and non-represented employees per federal and state law. These employees provide many services to our students such as teaching, providing instructional support, transporting children, serving meals to our students and keeping our campuses safe. The employees are also responsible for maintaining District properties, and routinely take care of all the facility upkeep and regular maintenance of the same.

WHEREAS, on or about November 8, 2018, the District suffered a great calamity as our local geographic region suffered from great and extensive fire damage, loss to
property and loss of homes and loss of life. The surrounding Butte County Area suffered from extensive smoke damage to many of its properties, business, and schools. The environmental and human impact of these fires is are beyond measure.

WHEREAS, there has been a loss of lives and property across the region. Members of our community have lost their belongings as their homes have been destroyed, students have been displaced because their family residence is uninhabitable and our employees have experienced varying degrees of loss. The schools have been closed since November 8, 2018 and expect to remain closed through at least December 3, 2018.

WHEREAS, the District has various school sites and properties that have been damaged and/or completely destroyed. Our recovery efforts require that many school sites and buildings receive prompt structural safety review in addition to deep cleaning prior to having students and staff return. Other buildings need structural remediation, construction and immediate improvements from minor abatement issues to major reconstruction related remediation.

WHEREAS, the District has an urgent and unique need to expedite all recovery matters so that our students and staff return to some normalcy and that we refocus on our mission to educate our students. However, the ability to expedite recovery, however fractured it might be, is limited by the regular meeting schedule of the Governing Board which has two regularly scheduled board meetings every month. We also have the ability to have special board meetings and the Governing Board will continue to use these meetings to discuss all matters as needed.

WHEREAS, there are many recovery related matters that require immediate attention and decision making to begin normalizing the recovery efforts so that we can return to the business of educating students and returning our employees to safe and clean worksites.

THEREFORE, BE IT RESOLVED THAT the Board of Education hereby, based on this record, authorizes Board President, as designee of the Board ("Board Designee") to direct the Superintendent to act on its behalf and unilaterally make decisions on behalf of the Governing Board on recovery related matters to expedite recovery, teaching and District operations, including but not limited to evaluating reconstruction and remediation efforts, temporarily closing school sites and other District facilities and programs, determining school sites and other District facilities and programs may reopen, and serving Students from other Districts and/or providing them with teaching space in the upcoming months.

BE IT FURTHER RESOLVES THAT the Board of Education hereby further authorizes the Superintendent pursuant to direction from the Board Designee to negotiate and enter into agreements, subject to Board subsequent ratification, that may be necessary to provide classified and certificated employees with options to assist them as they work through recovering from this disaster, including but not limited to accessing more of their own accumulated personal illness/personal necessity days, facilitating the
donation of days to assist colleagues that are either new to the District, or who have not accumulated enough days, and to assist with salary and pay warrant issues.

This grant of authority is limited to recovery matters through the end of the 2018-19 school year.

The foregoing Resolution was introduced by Board Member _________, who moved its adoption, second by Board Member _________, and adopted on roll call on November 23, 2018.
<table>
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<tr>
<th>DATE</th>
<th>DAY</th>
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</table>

Varsity Head Coach: Josh Holbrook
Assistant Coaches: Rob Poblano
Frosh/Soph Head Coach: Robert Valdez

Athletic Director: Amy Hillquist - dhsathletics10@gmail.com
Principal: Robbin Pedrett
Superintendent: Lloyd Webb
### BOYS SOCCER 2018/2019

<table>
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Varsity Head Coach: Victor Cortez
Assistant Coaches:

Athletic Director: Amy HilQuist - dhsathletics10@gmail.com
Principal: Robbin Pedrett
Superintendent: Lloyd Webb
51st Annual Lady Trojan Classic
Thursday, December 6 - Saturday, December 8, 2018
Varsity

Bear River
Thurs. 3:00 PM

Colusa
Fall River
Friday 3:00 PM
Friday 6:00 PM

Thurs. 4:30 PM

Valley High

Lower Lake
Thurs 6:00 PM

Arcata
Central Valley
Friday 4:30 PM
Friday 7:30 PM

Thurs. 7:30 PM

Durham
Games are at Durham High School
Bottom team on bracket wears light

Consolation
Saturday 1:30 PM

Champion
Saturday 7:30 PM

7th Place
Saturday 12:00 PM

3rd Place
Saturday 6:00 PM
**GIRLS BASKETBALL 2018/2019**

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Varsity Head Coach: Aerin Farrell
Assistant Coaches: Ashlee Despain, Sandra Swanstrom
Frosh/Soph Head Coach: Alvyna Silva
Assistant Coaches: Cammy Royal

Athletic Director: Amy HilQuist - dhssports10@gmail.com
Principal: Robbin Pedrett
Superintendent: Lloyd Webb
<table>
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Varsity Head Coach: Alex Hernandez
Assistant Coaches: Mark Chavez

Athletic Director: Amy HilQuist - dhsathletics10@gmail.com
Principal: Robbin Pedrett
Superintendent: Lloyd Webb
### WRESTLING 2018/2019

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Varsity Boys Head Coach: Tony Cardoza  
Varsity Girls Head Coach: Trent Kenney  
Assistant Coaches: Brandon Sanders, Armand Brett, Zach Adkins, Haedin Hutchings, Lucas Gaeth, Andrew Teats

Athletic Director: Amy HilQuist - dhathletics10@gmail.com  
Principal: Robbin Pedrett  
Superintendent: Lloyd Webb
2018-19
Durham Intermediate School
7th & 8th Grade Boys Basketball Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Day</th>
<th>Opponent</th>
<th>Location</th>
<th>7th Grade Game Time (8th grade game immediately following)</th>
<th>Release Time (7th Grade)</th>
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<tr>
<td>9-Jan.</td>
<td>Wednesday</td>
<td>Chico Country Day</td>
<td>Chico</td>
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<tr>
<td>16-Jan.</td>
<td>Wednesday</td>
<td>Marsh A</td>
<td>Durham</td>
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<tr>
<td>17,18,19-Jan.</td>
<td>Th/F/S</td>
<td>Maywood Tourney</td>
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<td>22-Jan.</td>
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<tr>
<td>24,25,26-Jan.</td>
<td>Th/F/S</td>
<td>Rene' Brandol-Panther Tourney</td>
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<td>5-Feb.</td>
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<td>Paradise Intermediate</td>
<td>Chico</td>
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<tr>
<td>6-Feb.</td>
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<td>Fri/Sat</td>
<td>Marsh Tournament</td>
<td>Chico</td>
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8th Grade game immediately following the completion of 7th grade game

For Tournaments: 7th Grade plays on Thursday & Saturday; 8th Grade plays on Friday & Saturday
# Durham Intermediate School
## 7th & 8th Grade Girls Basketball Schedule

<table>
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<tr>
<th>Date</th>
<th>Day</th>
<th>Opponent</th>
<th>Location</th>
<th>7th Grade Game Time (8th grade game immediately following)</th>
<th>Release Time (7th Grade)</th>
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<td>15-Oct.</td>
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<td>18-Oct.</td>
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<tr>
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<td>Tuesday</td>
<td>Nelson Ave.</td>
<td>Oroville</td>
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<td>25, 26, 27, Oct.</td>
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<td>Panther Tourney</td>
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<td>Thu./Fri./Sat.</td>
<td>Willows-Tourney</td>
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8th Grade game immediately following the completion of 7th grade game
For Tournaments: 7th Grade plays on Thursday & Saturday; 8th Grade plays on Friday & Saturday

School Colors: Blue & White
Mascot: Panther
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<td>STREAM B</td>
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<td>3 vs 8</td>
<td>Golden Hills Elem.</td>
<td>STREAM A</td>
<td>CRS</td>
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<td>5 vs 6</td>
<td>Manzanita Elem</td>
<td>Nelson Ave. MS</td>
<td>Nelson</td>
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<td>4 vs 7</td>
<td>Ishi Hills</td>
<td>Ophir</td>
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<td>STREAM B</td>
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<td>4:00p</td>
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<td>1 vs Bye</td>
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<tr>
<td>9 vs Bye</td>
<td>STREAM B</td>
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<td>5 vs Bye</td>
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<td>19-Dec</td>
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**Monday 1/7**

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**Wednesday 1/9**

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**Monday 1/14**

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**Wednesday 1/16**

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<td>8 vs 9</td>
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**Tournament Play**

Jan 23-26
Durham Unified School District

Fund Raising Request Form

All fund raising projects/activities are to be approved by the school principal or the Board of Education at least one month prior to initiating the project/activity. The principal/designee shall maintain a written financial record of each approved fund raising project/activity. Funds generated from the projects/activities shall be deposited in the Associated Student Body account, PTS account, Boosters account, or in the appropriate District account.

School: D.E.S.
Club or Organization: Student Council
Advisor/President: Samantha Brown

Purpose of the fund raising project/activity:
Reindeer Candy Gram Sales - Field Trips, Assemblies, and School Supplies

Financial Goal of the project:

\[
\begin{array}{ccc}
\text{Minor: Estimated Gross} & $400.00 & \text{Estimated Net} & $200.00 \\
\text{Major: Estimated Gross} & \text{Estimated Net} & \\
\end{array}
\]

Nature of project/activity (i.e., car wash):
Reindeer Candy Gram Sales - Candy Cane Grams

Beginning/ending date(s) and times if applicable of proposed fund raising project(s)/activity(ies):
Beginning: 12/10/18  Ending: 12/14/18
Location: Out in front of D.E.S. Office
Number of students to be involved: 20

Date: __________________________ Organization Officer’s Signature

Date: 12/7/18  Samantha Brown
Advisor’s Signature (if applicable)

Date: 12/7/18

Principal’s Signature

Date: __________________________ Student Body President’s Signature

Date: 12/10/18  Superintendent’s Signature (if required)

White: Club  Yellow: File  Pink: ASB Files
Durham Unified School District

Fund Raising Request Form

All fund raising projects/activities are to be approved by the school principal or the Board of Education at least one month prior to initiating the project/activity. The principal/designee shall maintain a written financial record of each approved fund raising project/activity. Funds generated from the projects/activities shall be deposited in the Associated Student Body account, PTS account, Boosters account, or in the appropriate District account.

School: Durham Elementary School
Club or Organization: Student Council/ASB
Advisor/President: Samantha Brown

Purpose of the fund raising project/activity:
Raise Money for Field Trips, Assemblies, and School Supplies

Financial Goal of the project:

<table>
<thead>
<tr>
<th>Minor: Estimated Gross</th>
<th>Estimated Net</th>
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<tbody>
<tr>
<td></td>
<td>$10,000.00</td>
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<tr>
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<td>Estimated Net</td>
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<tr>
<td>$10,000.00</td>
<td>$10,000.00</td>
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Nature of project/activity (i.e., car wash):
D.E.S. 100th Day of School Math-a-Thon

Beginning/ending date(s) and time(s) of proposed fund raising project(s)/activity(ies):
Beginning: 11/1/19 Ending: 11/10/19

Location: D.E.S. Classrooms

Number of students to be involved: 509

Date: 12/10/18

Organization Officer's Signature: Samantha Brown

Advisor's Signature (if applicable): W

Principal's Signature: W

Student Body President's Signature: W

Superintendent's Signature (if required): W

White: Club
Yellow: File
Pink: ASB Files
FACILITIES USE AGREEMENT
BETWEEN DURHAM UNIFIED SCHOOL DISTRICT &
PARADISE UNIFIED SCHOOL DISTRICT
(2018-2019 School Year)

THIS FACILITIES USE AGREEMENT ("Agreement") is made by and between the Durham Unified School District ("Durham") and the Paradise Unified School District ("Paradise") both public school districts organized and existing under the laws of the State of California, ("District"). Durham and Paradise are collectively referred to as the "Parties."

RECITALS

WHEREAS, on or about November 8, 2018, Paradise and surrounding communities within Butte County suffered a great calamity as the local region was engulfed by multiple fires that raged over 153,000 acres, known as the "Camp Fire." The Camp Fire resulted in the significant loss of life and property across the region. Paradise suffered the loss of most of its residential structures and the complete loss and/or extreme damage to its school buildings and facilities. The Camp Fire has caused the long term displacement of all of Paradise’s residents and students. As a result Paradise must place its students in temporary school facilities while it determines where its students will be placed for a long term period; and

WHEREAS, pursuant to Education Code section 35160, the respective Governing Board's for each Party is permitted to enter into this Agreement permitting Paradise to use the facilities of Durham, In order to temporarily hold classes for its students, per the terms of this Agreement; and

WHEREAS, the Governing Boards of Durham and Paradise are the respective employers of certificated, classified and non-represented employees of their respective Districts per federal and state law. These employees provide many services to students such as teaching, providing instructional support, transporting students, serving meals to students, and maintaining student safety pursuant; and

WHEREAS, Durham has been informed by Paradise through a letter dated December 7, 2018 and other supporting documentation including the Executive Order from the Governor's Office (See Exhibit A, Executive Order B-58-18 dated November 28, 2018), that Paradise's funding through ADA will continue through at least the end of the 2018-19 school year; and

WHEREAS, Paradise has requested that Durham permit it to hold classes on Durham school campuses for students who previously attended school at Ponderosa Elementary School; and

WHEREAS, the Parties desire to set forth the terms and conditions pursuant to which Paradise teachers, staff and students will use and occupy certain designated Durham classrooms and facilities, including recreation, play space, furniture and equipment installed therein ("Facilities") at the Durham school sites described herein ("Sites"), located in Durham, California to enable Paradise students to complete the remainder of the 2018-2019 school year.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the Parties agree as follows:
Section 1. Use of Sites and Facilities. Durham agrees to allow Paradise exclusive and non-exclusive use of the classrooms and other space allocated as described below and depicted on EXHIBIT A hereto, for the sole purpose of operating and holding classes for Paradise students and its related classroom-based educational programs in accordance with the rules, regulations, and laws permitting Paradise’s operations, as follows and subject to subsection (d) below:

### 2018-2019 Allocated Space for Paradise

| Sites (See Exhibit B, Site Map): | Durham Elementary School, Durham Intermediate School, Durham High School |
| Grades: | TK - 5 |

**Facilities:**

**Exclusive Use - Teaching Space:** (Total: 6,180 sq. ft.)
- 6 Classrooms (Room 2 (900 sq.ft.) and portables 34, 37, 38, 42, Mission High (960 sq. ft. each), and Mission Restrooms (480 sq.ft.))

*Total Exclusive Use Space: 6,180 sq. ft.*

**Shared Use Space:** (Total: 7,148 sq. ft.)
- Gymnasium/Multipurpose Room (3,534 sq. ft.)
- 3 Classrooms (Room 16 (900 sq. ft.), Rooms 31 and 32 (960 sq. ft. each)
- 6 Student restrooms (794 sq. ft. in total)

*Total Shared Use Space: 7,148 sq. ft.*

**Paradise Portables**\(^1\): (Total: 5,760 sq. ft.)
- 6 Portable Classrooms (960 sq. ft. each)

*Total Paradise Portable Space: 5,760 sq. ft.*

(a) **Coordinating Shared Use.** Some of the Site and Facilities will be shared as described between Durham and Paradise, and the terms and conditions related such shared use shall be described and outlined and incorporated into this Agreement by reference. Coordination and scheduling for the use of the shared space will be worked out by and between Durham and Paradise and reflected in an addendum to this Agreement. If Paradise desires to participate in the Durham’s food service program, it shall notify Durham, and the Parties will enter into a separate services agreement, or amend the MOU, for that purpose.

\(^1\) The addition of Paradise Portable Units to Durham will take place through an Addendum to this Agreement
At the present time the understanding between the Parties is that Durham will operate its food services for Durham students, and Paradise will contract with a neighboring district or other educational agency to provide food service to Paradise students using Durham’s food service facility.

(b) Upon the termination of this Agreement pursuant to Section 8 (Termination) hereof, the right to use and occupation of the Site and Facilities shall revert to Durham and Paradise shall relinquish the Site and Facilities to Durham at that time, leaving the Site and Facilities in their original condition, reasonable wear and tear excepted.

Paradise shall have full and exclusive use of the spaces so indicated in Section 1; provided, however, that Paradise agrees to observe the terms of the Civic Center Act (Education Code section 38131 et seq.) and/or any joint use or recreational program use established by Durham as described further in Section 3 (Hours of Use and Civic Center Act Compliance). Upon its termination of this Agreement, Paradise shall return Durham’s Site and Facilities in the original condition upon entry, minus normal wear and tear.

If Paradise wishes to make use of the Durham’s collection of books, magazines, and other instructional materials housed within any library and/or media space offered above, the District will require that the Paradise pay proportional costs (as set forth in Section 9 [Costs] below) for the Durham librarian/media services that maintain and protect the collection of materials, contribute proportionally to new additions to the collections, and reimburse the Durham for any materials and/or electronic property lost or damaged by Paradise students or staff. Durham will orient Paradise’s staff to Durham’s rules and regulations for use of the library/media space. Paradise may also separately hire and pay a staff person or librarian to provide support to Paradise students during the period of Paradise’s use, provided that such person must be trained in and comply with the Site’s regular check-out and other policies concerning the maintenance of library and media materials and property.

(c) Paradise’s staff, students, and parents/guardians shall access Paradise’s campus through the western end of the Durham High School parking lot. Also, Paradise may utilize the corridor/entryway through the gate at the north end of Durham Elementary School from the Durham High School parking lot as a path of travel, in accordance with local rules and regulations of the fire marshal.

Section 2. Allocation of Space. Durham’s allocation of classrooms and shared space on the site and facilities to Paradise is based upon an assumption of Paradise receiving ADA funding and other funding sources, as described herein, and reimbursing Durham for such site and facility use based upon such funding. Future requests for additional facilities or furnishings and equipment based on enrollment increases, or other needs of Paradise may be made with thirty (30) days’ notice to Durham, and Durham shall use good faith efforts to accommodate such needs. The allocation of space to the Paradise is made by the District with the express understanding and on the assumption that the total space provided pursuant to this Agreement is based upon square footage believed sufficient for the housing students who formerly attended Ponderosa Elementary School. Paradise is not authorized to make any structural or permanent physical changes to the facility or site space allocated by Durham. Paradise will have shared use of common spaces and specialized classroom space at the Site and Facilities as described more fully in the terms and conditions for the shared use arrangement.

Section 3. Hours of Use and Civic Center Act Compliance. Paradise’s hours of operation/use of the space allocated shall be comparable to the hours of operation of Durham’s programs operating at Durham’s comparison school sites. Paradise shall have
primary use of the space allocated to Paradise for the operation of its educational program during its regular school hours; provided, however, that after 6:00 pm during the week and all day on weekends and holidays, the Site and shared use Facilities shall be subject to use by the public pursuant to the Civic Center Act and/or any joint use or recreational program use that has been established by Durham. Durham and Paradise shall work together to minimize any disruption from any such joint use or recreational program to Paradise’s program. Civic Center Act use requests for use of the Site and/or Facilities by users other than Paradise shall be evaluated and handled by Durham, but coordinated with Paradise. Civic Center requests for use should be directed to the District Administration at:

District Contact: Durham Elementary School Office
Yolanda Prentice
530-895-4697
yprentice@durhamunified.org

Section 4. Furnishings and Equipment. Durham shall provide furniture and equipment as needed by Paradise including furnishings and equipment necessary for Paradise to conduct basic classroom instruction (specifically, student desks, chairs and blackboards/whiteboard), as well as reasonably equivalent front office/administrative office furnishings and equipment. Paradise shall not sell or otherwise dispose of furniture or equipment belonging to Durham, and Durham will not replace furnishings and equipment disposed of by Paradise, unless a separate agreement is reached by amendment to this Agreement. Furniture and equipment will be provided from existing Durham inventory and will be delivered and installed at or about the start of Term of this Agreement, and will remain the property of Durham. Paradise shall return all Durham-owned furniture and equipment to Durham at the end of the Term, or upon vacating the Site and Facilities in the same condition as received, with the exception of reasonable wear and tear. Paradise will be responsible for any damage caused by its use excepting reasonable wear and tear, and will reimburse and/or repay and/or refund Durham for any damages caused by Paradise to furnishings and equipment.

Section 5. Telecommunications. The Facilities are wired for telephone and computer data connectivity, including servers, routers and switches. Reasonably equivalent telecommunication equipment is already installed and available at the Site. Paradise shall provide any and all other communications equipment, including telephones, computer and related hardware, software, and all required services for its students and staff. Any alterations or work required for the installation of any fixtures or equipment for telecommunications purposes must be requested and approved through the Assistant Superintendent of Business and Operations. All approved work will be performed by Durham at Paradise’s expense. Paradise may, at its own expense install its own telecommunications systems, but with the informed consent of Durham.

Section 6. Schedule. Paradise and Durham shall operate on a staggered start and end time per agreement with Paradise’s and Durham’s respective Elementary School Administrator. The attendance schedule is subject to change and may be amended as agreed to by the Parties. Bell schedules shall be as follows: See Attached at Exhibit C, Bell Schedule.

Section 7. Shared Use of Space. Paradise and Durham agree to the shared use of space as Indicated in this Agreement. It is understood that Durham will make all accommodations as practicable for Paradise, and that the Parties may amend this section of the Agreement as needs arise between the Parties. Each Party’s students shall at all times be supervised by their respective staffs while shared use areas are being used by students of each Party.
Section 8. Staffing. Unless otherwise agreed-to by the Parties, Durham certificated teachers shall provide instruction solely to Durham students and Paradise certificated teachers shall provide instruction solely to Paradise students. Durham shall be solely responsible for supervision and discipline of its students and Paradise shall be solely responsible for the supervision and discipline of its students. Durham shall be solely responsible for the certificated administration, supervision and oversight of its certificated and classified staff, independent contractors, and students, and Paradise shall be solely responsible for the certificated administration, supervision and oversight of its certificated and classified staff independent contractors and students. Durham shall be responsible for its classified staff, including supervision and assignment of duties. Paradise shall be responsible for its classified staff including supervision and assignment of duties. Durham and Paradise agree that each site administrator shall work collaboratively to coordinate its supervision of its respective students and staff; Paradise will be responsible for the assignment of duties for its certificated and classified staff; Durham will be responsible for the assignment of duties for its certificated and classified staff. For purposes of this Section, "Certificated Personnel" means: Administration, teachers, mental health personnel, counselors, librarians. "Classified Staff" means: Maintenance and Operations personnel, custodians, secretaries, administrative support, bus drivers, paraprofessionals, teachers’ aides.

Section 9. Special Education. Unless otherwise agreed-to by the Parties, Paradise shall be responsible for the supervision, administration and provision of any and all special education and related services for its students. Paradise shall be responsible for compliance with any and all procedural and substantive requirements of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1400 et seq., Section 504 of the Rehabilitation Act of 1973, and related State laws, for its students.

Section 10. Sports and Extracurricular Activities. The Parties agree that Durham and Paradise shall run its sports and extracurricular activities separate and apart from one another. Fields, sports and play areas on the Site are subject to shared use and shall be coordinated by Durham’s School Principal and Ponderosa’s School Principal.

Section 11. Continued Coordinated Efforts. The Parties agree that the Superintendents of Durham and Paradise will meet on an ongoing and regular basis so as to maintain the proper operation of the Site and Facility and the supervision of students and staff. The Parties agree that the Chief Business Officials ("CBOs") of Durham and Paradise will meet on an ongoing and regular basis so as to ensure that the monetary and funding methods as outlined in this Agreement operate in a coordinated and proper manner. Further, the CBO’s from Paradise and Durham shall ensure that the monthly costs, disbursements, and payments are properly tracked and recorded in the Districts’ normal course of business, and available for reporting to each District’s respective Governing Boards.

Section 12. Disputes. Should disputes arise between the site administrators, and/or their respective staff members for Durham or Paradise, the Superintendents shall meet jointly to resolve any and all disputes, only after the administrators for Durham and Paradise have taken reasonable steps to resolve said disputes as they arise. Should the Superintendents of Paradise and Durham be unable to resolve their respective disputes, the Governing Boards from each District shall work jointly to resolve said disputes.

Section 13. Student Records. The Parties agree that Durham and Paradise shall be solely and separately responsible for the maintenance and confidentiality of all respective student and pupil records. Durham’s and Paradise’s student and pupil records shall be maintained separately at all times, and shall not be shared or disclosed except as otherwise permitted by Federal or State law.
Section 14. Personnel Records. The Parties agree that Durham and Paradise shall be solely and separately responsible for the maintenance and confidentiality of respective personnel records. Durham’s and Paradise’s personnel records shall be maintained separately at all times.

Section 15. Term. The term of this Agreement shall commence on December 3, 2018 and end on June 30, 2019. Should Paradise require facilities for the subsequent school year, Paradise shall notify Durham by no later than May 1, 2018. Durham makes no guarantee or representation that the Site and Facilities will be available for any additional term beyond the current term and/or that a Site shall not be required to be shared with other programs or Durham schools and/or students in future years.

Section 16. Expanded Use. If Paradise determines that it will use portable classroom units for instructional purposes, such use may take place through amendment to this Agreement, and/or through a separate Agreement between the Parties. However, until the Parties reach such Agreement, no other expanded use may take place.

Section 17. Default and Termination. This Agreement will automatically terminate upon the effective date of any termination, and/or may be terminated on the following grounds:

(a) The failure by Paradise to make timely payment of any fees due under this Agreement where such failure shall continue for a period of thirty (30) days after receipt of written notice thereof by Durham to Paradise;

(b) The failure by Paradise to observe or perform any of the covenants, conditions or provisions of this Agreement to be observed or performed by Paradise (including shared use terms, if applicable) where such failure shall continue for a period of thirty (30) days after receipt of written notice thereof by Durham to Paradise, unless such failure cannot reasonably be cured within a period of thirty (30) days, in which case Paradise must commence efforts to cure said Default within a period of thirty (30) days and cure such Default by reasonable date set forth by the District;

(c) The failure of Paradise to limit its use of the Site and Facilities to the space allocated to Paradise pursuant to this Agreement and in conformity with the District’s policies and practices for use of District facilities where such failure shall continue for a period of ten (10) days after receipt of written notice thereof by Durham to Paradise.

Section 18. Charges for Use of Space. The charge for Paradise’s use of the Site and Facilities will be calculated in the following manner, which shall include the use of Utilities, Maintenance of Site and Facilities, Students and Staff attending and working at Site and use of Facilities:

Base Operating Costs:

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<th>Amount</th>
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<tr>
<td>Cost of Facilities (Depreciation)</td>
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<td>Facilities Maintenance</td>
<td>$284,239</td>
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<tr>
<td>Custodial Operations</td>
<td>$312,258</td>
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<tr>
<td>Utilities</td>
<td>$199,031</td>
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</table>
Grounds $140,773  
Total Operations $1,105,037  

**Square Footage:**  
District-wide 173,385  
Allocated to PUSD 6,180  
PUSD Ratio 3.56%  
PUSD Annualized Share $39,339  
PUSD Monthly $3,278  
Cost per Sq. Ft. $6.36  

Shared Space Cost for Paradise shall be calculated as follows:

**Square Footage:**  
Shared Space Sq. Ft. 7,148  
50% Share Factor 3,574  
Cost per Sq. Ft. $6.36  
PUSD Annualized Share $22,730  
PUSD Monthly $1,894  

6 Portables Placed on Site Cost for Paradise shall be calculated as follows:

**Base Operating Costs:**  
Facilities Maintenance $284,239  
Custodial Operations $312,258  
Utilities $199,031  
Grounds $140,773
Total Operations $936,301

Square Footage:

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<tr>
<th>Description</th>
<th>Square Feet</th>
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<tr>
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<tr>
<td>PUSD Portables (6 X 960 sq.ft.)</td>
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<td>PUSD Monthly</td>
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<tr>
<td>Cost per Sq.Ft.</td>
<td>$5.39</td>
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Section 19. Maintenance of Site and Facilities. Durham shall be responsible for the day to day maintenance of its Site and Facilities. Paradise shall be responsible for the day to day maintenance of its Site and Facilities, including custodial clean up. Durham shall be responsible for the overall operation of the Site and Facilities. Any additional unforeseen utility costs shall be shared jointly by each District proportionately based upon the ADA numbers of Durham and Paradise.

Section 20. Installation of Improvements. No structures, improvements, fixtures (as defined in Civil Code section 660), alterations (including painting of any interior or exterior surfaces), or facilities shall be constructed, erected, altered, added, or made on or within the Site or Facilities without the prior written consent of Durham and subject to terms agreeable to Durham, and, if required, the Division of State Architect. In the event Paradise makes any modification to the Site or Facilities in violation of this provision it shall be required to restore the Site and Facilities to its original condition at Paradise's sole expense as soon as reasonably possible. "Original condition" as used in this provision shall refer to the condition in which the Site and Facilities existed upon the walk through as referenced in Section 13 (Condition of Property), below. No additional facility alterations will be permitted without written permission by the Durham or approval through Durham.

Durham agrees to allow Paradise to place two (2) signs identifying the Paradise program at or near the Paradise's main office at the Site, subject to Durham's Board's regulations on signage and at a mutually agreeable location to be determined by District's Director of Facilities and Paradise's representatives. Paradise shall be solely responsible for all costs of the sign, including installation and removal.

Section 21. Condition of Property. Durham agrees to provide a facility suitable for use as an instructional school site. Paradise shall have an opportunity to "walk-through" the facilities with Durham personnel to inspect and note the condition of the facilities at the time of turnover. Paradise, at its sole cost and expense, shall comply with all applicable laws, regulations, rules and orders with respect to its use and occupancy of the Site. Durham is responsible for appropriate modifications to existing facilities that may be necessary to comply with new laws or regulations consistent with the support provided to other Durham school sites.

Paradise shall not be responsible for any and all legal compliance or environmental conditions that existed prior to the Paradise's occupancy of the Site on or around December
3, 2018. Durham shall remain responsible for all legal compliance with, for example, the Americans With Disabilities Act, environmental laws, and other applicable building code standards, for any existing compliance issue prior to the date of the Paradise's occupancy of the Site and Facilities on or around December 3, 2018, and continuing through the Term of this Agreement. Paradise shall assume responsibility for legal compliance to the extent that such compliance is triggered by any modifications or improvements made by Paradise.

In the event that allocation of the Site and Facilities or initial use or modification of the Site and Facilities by Paradise triggers the application of and/or compliance with the California Environmental Quality Act ("CEQA") or compliance with any existing environmental mitigation measures related to ongoing use of the Site or Facilities, Durham shall comply with same. Should Paradise make any modification or improvement to the Site or Facilities that constitutes a "project" under CEQA, the cost of CEQA compliance shall be borne in full by the Paradise, but Durham shall act as the lead agency for the purposes of such CEQA compliance. Should Paradise fail to inform Durham of activities that may require CEQA compliance in advance of engaging in such activities, Paradise shall assume all liability for legal claims arising out of said failure.

Should any discharge, leakage, spillage, emission, or pollution of any type occur upon or from the Site or Facilities in whole or in part as a result of Paradise's use and occupancy thereof, Paradise, at its related expense, shall be obligated to clean all the property affected, to the satisfaction of any and all responsible and applicable governmental agencies having jurisdiction over the Site, including Durham, who shall not unreasonably withhold final satisfaction of clean-up efforts. Where the resulting discharge, leakage, spillage, emission, or pollution results from a facilities system failure on Durham's part, or as a result of Durham's use and occupancy, Durham will assume responsibility for required clean-up of the affected property. If both parties are in part responsible for the discharge, leakage spillage, emission, or pollution, principles of comparative fault shall apply.

Section 22. Title to Property. The Parties acknowledge that title to the Site and Facilities is held by Durham and shall remain with Durham at all times. In the event Paradise fails to limit its use of the Site and Facilities to the space allocated to Paradise pursuant to this Agreement it shall be in breach of the Agreement.

Section 23. Fingerprinting. Paradise shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements described in Education Code section 45125.01., for Paradise staff and vendors and service providers as required by Education Code section 45125.1. If Paradise requires fingerprinting for Volunteers, Paradise shall ensure that this take place. Durham shall be responsible for complying with all criminal background check laws for all employees or vendors that it directs to the Site for any work to be performed at its direction.

Section 24. Identification. Paradise shall be responsible for ensuring that all Paradise staff have at all times visible identification with their names and titles listed.

Section 25. Visitors. Paradise shall ensure that all Visitors comply with the visitation policies per Paradise Administrative Regulation 1250, including Parents and other visitors that visit the Site, including any fingerprinting requirements.

Section 26. Insurance.

A. Commercial General Liability Insurance. Paradise shall, during the Term of this Agreement, maintain in force, a combined, single-limit liability commercial general insurance
policy in the amount of not less than two million dollars ($2,000,000), or as otherwise agreed to in writing by Durham, with Durham, its Board, employees and agents, at Paradise’s expense, named as additional insureds under such policy. Such policy shall provide for a thirty (30) day written notice to Durham of any cancellation or reduction of coverage. Paradise agrees to provide Durham a certificate of insurance evidencing this coverage in a form satisfactory to Durham upon execution of this Agreement, upon each policy renewal and upon request of Durham during the Term of this Agreement.

B. Workers’ Compensation Insurance. During the Term of this Agreement, Paradise shall comply with all provisions of law applicable to Paradise with respect to obtaining and maintaining workers’ compensation insurance.

D. Property Insurance. Paradise acknowledges that the insurance to be maintained by Durham on the Site will not insure any of Paradise’s equipment, property or any improvements made by Paradise. Accordingly, Paradise shall, at its own expense, maintain in full force and effect an insurance policy on all of its fixtures, equipment, improvements made by Paradise and personal property in, about, or on Site and Facility. Said policy is to be for “All Risk” coverage insurance to the extent of at least ninety percent (90%) of the insurable value of Paradise’s property.

E. Other. Insurance is to be placed through the Bay Area Schools Insurance Cooperative, a joint powers agency, or with insurers with a current A.M. Best Insurance rating of no less than A-minus: VII and subject to the approval of Durham. Paradise shall furnish Durham with the certificates of insurance and amendatory endorsements effecting coverage required. Each insurance policy required by this Agreement shall: (I) not be cancelled, limited in scope of coverage or non-renewed until after thirty (30) days written notice has been given to Durham; and (II) contain a clause waiving all rights of subrogation against Durham, its Board, members of the Board, and elective or appointive officers or employees, when acting within the scope of their employment or appointment. The Parties agree that any insurance maintained by Durham will apply in excess of, and not contribute with insurance provided by the policies required by this Agreement.


(a) It shall be the responsibility of Paradise to maintain control and supervision of its students, staff, parents, volunteers and other invitees at all times, and to develop and implement rules of conduct for students, staff, parents, volunteers and other invitees while on the Site and in the neighborhood immediately surrounding the Site and Facilities. Paradise staff members shall wear identification badges and all volunteers, invitees, and visitors to Paradise shall sign in and obtain and wear visitor badges while on the Site, to the same extent that the District requires its employees, volunteers, and invitees to sign in and wear identification badges. Paradise shall ensure that its students are adequately supervised at all times during the school day, including before-school and after-school hours, and during all times when students are on the Site, including weekends when school-related activities are being conducted. Paradise shall ensure that the Site and Facilities are adequately locked and secured when they are unattended by Paradise. Paradise agrees that any written complaints received from neighbors or local residents will be immediately reported to Durham.

(b) Only activities related to the school program may be conducted on the Site and Facilities, and Paradise shall not permit any non-program related group or organization to use the Site and Facilities for any purpose without express written permission of Durham. In the event Paradise decides to contract with third party organizations to provide before school and after school programs at the Site, Paradise shall notify Durham and seek written approval.
Pursuant to Section 3 (Hours of Use and Civic Center Act Compliance) hereof, Durham shall handle requested uses of the Property and Site and Facilities by other organizations under Civic Center Act rules and regulations. Use of the Site and Facilities by Paradise after 6:00 pm or on weekends must meet all District rules and regulations for use of school property (e.g., security, maintenance).

(c) So as to minimize the impact of Paradise’s operations on the surrounding neighborhoods, Paradise agrees to the following:

(i) Paradise shall take all reasonable steps necessary to ensure that Paradise staff, students and all visitors (including parents) observe traffic laws and park in designated parking spaces located on the Site or on adjacent streets as necessary, and as agreed to by the Parties. Paradise agrees to take all reasonable steps necessary to ensure that student drop-off and pick-up occurs solely in designated areas located on the Site, specifically, the entrance driveway on Putney Drive.

(ii) Paradise shall forward copies of all written complaints received by Paradise regarding use of the Site and Facilities District within three (3) business days of receipt. Paradise shall, in consultation with the District, timely respond to all complaints, and shall provide copies of responses to complaints to Durham within three (3) business days of response.

29. Indemnification.

(a) Paradise shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless Durham, its officers, directors, and employees, attorneys, agents, representatives, volunteers, successors, and assigns (collectively hereinafter Durham and Durham Personnel) from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorneys’ fees, and expert witness fees whether or not suit is actually filed and/or any judgment rendered against Durham and/or Durham Personnel that may be asserted or claimed by any person, firm, or entity to the extent arising out of Paradise’s use of the Site or Facilities or from the conduct of its business or from any activity, work, or other things done, permitted, or suffered by Paradise in or about the Site or Facilities after Durham delivers possession and/or use of the Site or Facilities to Paradise.

(b) Durham shall, to the fullest extent permitted by the law, indemnify, hold harmless, and defend Paradise, its officers, Board of Directors, and employees, attorneys, agents, representatives, volunteers, successors, and assigns (collectively hereinafter Paradise and Paradise Personnel) against and from any and all claims, demands, actions, suits, losses, penalties, obligations, errors, omissions, or liabilities, and costs, including legal costs, attorneys’ fees, and expert witness fees whether or not suit is actually filed and/or any judgment rendered against Paradise and Paradise Personnel for any injury, death, or damage to any person or property occurring in, on, or about the Site or Facilities after Durham delivers possession or use of the Site or Facilities to Paradise to the extent arising from Durham’s prior or current use or maintenance of the Site or Facilities or from prior or current conduct of its business or from any activity, work, or other things done by Durham, its trustees, officers, employees, and agents in or about the Site or Facilities.

Section 30. Access. Paradise shall permit Durham, its agents, representatives or employees, to enter upon the Site or Facilities for the purpose of inspecting same or to
make repairs, alterations, or additions to any portion of the Site or Facilities required by this Agreement. Durham shall attempt to give reasonable notice where practicable but shall not be obligated to do so in the event of emergency or imminent threat to health or safety of occupants.

Section 31. Notice. Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served and received if given in writing and personally delivered or either deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service or facsimile transmission, addressed as follows:

If to Durham: Durham Unified School District Lloyd Webb, Superintendent 9420 Putney Drive PO Box 300 Durham, CA 95938 Ph: (530) 895-4675 Fax: (530) 895-4692 Email: lwebb@durhamunified.org

If to Paradise: Paradise Unified School District Michelle John, Superintendent 3760 Morrow Lane, Suite A Chico, CA 95928 Ph: (530) 342-3190 Email: mjohn@pusdk12.org

Any notice personally given or sent by email or facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

Section 32. Subcontract and Assignment. Neither Party shall assign its rights, duties or privileges under this Agreement, nor shall a party attempt to confer any of its rights, duties or privileges under this Agreement (including that of sublease) on any third party, without the written consent of the other party. Paradise shall not sublease, pledge, encumber, mortgage or otherwise transfer or assign to any Party whatsoever any interest in the Site or Facilities.

Section 33. Independent Status. This Agreement is by and between two independent entities and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association.

Section 34. Entire Agreement of Parties. This Agreement, and all its incorporated documents, constitute the entire agreement between the Parties and supersede all prior discussions, negotiations and agreements, whether oral or written. This Agreement may be amended or modified only by a written instrument executed by the Parties expressly indicating an intent to modify or amend this Agreement.

Section 35. California Law. This Agreement shall be governed by and the rights duties and obligations of the Parties shall be determined and enforced in accordance with the laws of the State of California. The Parties further agree that any action or proceeding
brought to enforce the terms and conditions of this Agreement shall be maintained in Butte County, California.

Section 36. Waiver. The waiver by any Party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

Section 37. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors, and assigns.

Section 38. Counterparts. This Agreement and all amendments and supplements to it may be executed in counterparts, and all counterparts together shall be construed as one document.

Section 39. Captions. The captions contained in this Agreement are for convenience only and shall not in any way affect the meaning or interpretation hereof nor serve as evidence of the interpretation hereof, or of the intention of the Parties.

Section 40. Severability. Should any provision of this Agreement be legally determined to be invalid, illegal or unenforceable in any respect, such provision shall be severed and the remaining provisions shall continue as valid, legal and enforceable.

Section 41. Incorporation of Recitals and Exhibits. The Recitals and each exhibit attached hereto are incorporated herein by reference.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement on the dates indicated below.

District:
DURHAM UNIFIED SCHOOL DISTRICT

By: Lloyd Webb
Superintendent

Date: 12-7-18

Paradise:
PARADISE UNIFIED SCHOOL DISTRICT

By: Michelle John
Superintendent

Date: 12-7-18
EXHIBIT A

See Attached Executive Order, B-58-18, from the Governor's Office, 11/28/18
EXHIBIT B

Site and Facilities

[Insert Site Map specifically Indicating Paradise Facility Use including instructional space, mental health services space, teacher lounge, Administration office, Non shared restrooms, Shared Restrooms, Portable restrooms, Staff parking, staff restrooms.]
Exhibit C

Bell Schedule

[Insert Bell Schedules for Paradise and Durham]
**DURHAM UNIFIED SCHOOL DISTRICT**

**GENERAL OBLIGATION BONDS, ELECTION OF 2018, SERIES A**

## Financing Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 7</td>
<td>Distribute timeline, term sheet and distribution list</td>
<td>FA</td>
</tr>
<tr>
<td>December 19</td>
<td>Distribute drafts of Resolution, Preliminary Official Statement (POS) and other legal documents</td>
<td>BC</td>
</tr>
<tr>
<td>December 21</td>
<td>Comments due on draft legal documents</td>
<td>All</td>
</tr>
<tr>
<td>December 21</td>
<td>Send credit package to rating agency</td>
<td>FA</td>
</tr>
<tr>
<td>Wk. of January 7*</td>
<td>Rating prep call</td>
<td>SD/FA/UW</td>
</tr>
<tr>
<td>Wk. of January 7*</td>
<td>Conference call with rating agency</td>
<td>SD/FA/UW</td>
</tr>
<tr>
<td>January 9*</td>
<td>District agenda deadline</td>
<td>SD/BC</td>
</tr>
<tr>
<td>January 16</td>
<td>Board approves resolution authorizing bond issuance and supporting documents; 1st reading of debt policy</td>
<td>SD</td>
</tr>
<tr>
<td>January 22</td>
<td>Receive rating</td>
<td>FA</td>
</tr>
<tr>
<td>January 22*</td>
<td>County Board of Supervisors agenda deadline</td>
<td>BC/County</td>
</tr>
<tr>
<td>Wk. of January 28*</td>
<td>Underwriter due diligence call</td>
<td>All</td>
</tr>
<tr>
<td>January 29</td>
<td>County Board of Supervisors approves 2019 Bond sale</td>
<td>County</td>
</tr>
<tr>
<td>February 6</td>
<td>Distribute POS</td>
<td>BC/UW</td>
</tr>
<tr>
<td>February 12*</td>
<td>Pre-Price Bonds</td>
<td>SD/UW/FA</td>
</tr>
<tr>
<td>February 13*</td>
<td>Price Bonds</td>
<td>SD/UW/FA</td>
</tr>
<tr>
<td>February 15 – 26</td>
<td>Finalize legal and closing documents</td>
<td>BC</td>
</tr>
<tr>
<td>February 20</td>
<td>Distribute Final OS</td>
<td>BC/UW</td>
</tr>
<tr>
<td>February 26*</td>
<td>Pre-close Bond transaction</td>
<td>All</td>
</tr>
<tr>
<td>February 27*</td>
<td>Close Bond transaction</td>
<td>All</td>
</tr>
</tbody>
</table>

*Subject to change.

---

**Legend:**

- **SD** – Azusa USD
- **FA** – Isom Advisors
- **BC** – TBD
- **UW** – TBD

_Holiday’s highlighted in yellow; Fed meetings highlighted in blue._
## SUBJECT:
High School Curriculum and Scheduling

## PREPARER:
Jamee Mendonca

## RECOMMENDATION:
- ☐ Approve
- ☐ Do Not Approve
- ☑ Accept
- X Discuss
- ☐ Information Only

## BACKGROUND:
As a parent, I simply want the Board to hear my thoughts on what I have been experiencing regarding student scheduling at the High School and Ag program classes.
Durham Unified School District
Board Policy
Suspension And Expulsion/Due Process

BP 5144.1
Students

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

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

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(c), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative
regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

**OPTION 1:** No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

**OPTION 2:** No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)
1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following:  (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation.  (Education Code 48917)

No student shall be expelled for disruption or willful defiance.  (Education Code 48900)

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. 5148.3 - Preschool/Early Childhood Education)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and
administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:
EDUCATION CODE
212.5 Sexual harassment
233 Hate violence
1981-1981.5 Enrollment of students in community school
8239.1 Prohibition against expulsion of preschool student
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985
35145 Open board meetings
35146 Closed sessions (regarding suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48645.5 Readmission; contact with juvenile justice system
48660-48666 Community day schools
48853.5 Foster youth
48900-48927 Suspension and expulsion
48950 Speech and other communication
48980 Parental notifications
49073-49079  Privacy of student records
52052  Numerically significant student subgroups
52060-52077  Local control and accountability plan
64000-64001  Consolidated application
CIVIL CODE
47  Privileged communication
48.8  Defamation liability
CODE OF CIVIL PROCEDURE
1985-1997  Subpoenas; means of production
GOVERNMENT CODE
11455.20  Contempt
54950-54963  Ralph M. Brown Act
HEALTH AND SAFETY CODE
11014.5  Drug paraphernalia
11053-11058  Standards and schedules
LABOR CODE
230.7  Employee time off to appear in school on behalf of a child
PENAL CODE
31  Principal of a crime, defined
240  Assault defined
241.2  Assault fines
242  Battery defined
243.2  Battery on school property
243.4  Sexual battery
245  Assault with deadly weapon
245.6  Hazing
261  Rape defined
266c  Unlawful sexual intercourse
286  Sodomy defined
288  Lewd or lascivious acts with child under age 14
288a  Oral copulation
289  Penetration of genital or anal openings
417.27  Laser pointers
422.55  Hate crime defined
422.6  Interference with exercise of civil rights
422.7  Aggravating factors for punishment
422.75  Enhanced penalties for hate crimes
626.2  Entry upon campus after written notice of suspension or dismissal without permission
626.9  Gun-Free School Zone Act of 1995
626.10  Dirks, daggers, knives, razors, or stun guns
868.5  Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6  Counseling
UNITED STATES CODE, TITLE 18
921  Definitions, firearm
UNITED STATES CODE, TITLE 20
1415(K)  Placement in alternative educational setting
7961  Gun-free schools
UNITED STATES CODE, TITLE 42
11432-11435  Education of homeless children and youths
COURT DECISIONS
Board of Education of Sacramento City Unified School District v. Sacramento County Board of
ATTORNEY GENERAL OPINIONS

Management Resources:
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January
2014
WEB SITES
CSBA:  http://www.csba.org
California Attorney General's Office:  http://www.oag.ca.gov
California Department of Education:  http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights:
U.S. Department of Education, Office of Safe and Healthy Students:
http://www2.ed.gov/about/offices/list/osee/oshs

(12/14  12/17)  10/18
Durham Unified School District
Administrative Regulation
Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level

2. Referral to a certificated employee designated by the principal to advise students

3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee’s concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 3513.4 - Drug and Alcohol Free Schools)
(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))
Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value
or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 6163.4 - Student Use of Technology)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of $1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:
1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or
psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

**Suspension by Superintendent, Principal or Principal's Designee**

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(e))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

**Length of Suspension**
The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

cf. 6184 - Continuation Education

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against him/her, and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)
This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent or designee determines, following a meeting in which the student and the student’s parent/guardian were invited to participate, that the student’s presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student’s attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program
designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.

2. The student shall have access to appropriate counseling services.

3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.

4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.
At the time a student is assigned to an on-campus suspension classroom, the principal or desigee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts:  (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or desigee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or desigee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or desigee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))
If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from
personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing

2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based

3. A copy of district disciplinary rules which relate to the alleged violation

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

   This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

   Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

   Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing

7. The opportunity to confront and question all witnesses who testify at the hearing

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare
agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

    Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

    If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

    Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board’s decision in response to such an objection shall be
final and binding.  (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below.  (Education Code 48918(i))

4.  Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above.  (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.  (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5.  Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student:  (Education Code 48918, 48918.5)

a.  Any complaining witness shall be given five days' notice before being called to testify.

b.  Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

c.  Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

d.  The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e.  If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

f.  Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to
oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. The Board may also appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing,
determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)
At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include:  (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission

2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.  (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian.  This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12"  (Education Code 48900.8)

2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian  (Education Code 48916)

3. Notice of the right to appeal the expulsion to the County Board  (Education Code 48918)

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion  (Education Code 48918)

5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1  (Education Code 48918)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior

2. The seriousness of the misconduct

3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program
The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)

2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)

3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the
County Board, the district shall provide the student with these documents within 10 school days following the student's written request.  (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.  (Education Code 48902)

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10.  (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.  (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is:  (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at any of these

3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)
(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school.  (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.  (Education Code 48916.1)
Readmission After Expulsion

Prior to the date set by the Board for the student’s readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student’s rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board’s decision regarding readmission.

4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.

6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that
school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(12/14 12/17) 10/18
Durham Unified School District
Board Policy
Preschool/Early Childhood Education

BP 5148.3
Students

The Governing Board recognizes the value of high-quality preschool experiences to enhance children's social-emotional development, knowledge, skills, abilities, and attributes necessary for a successful transition into the elementary education program. The Board desires to provide children ages 3-4 years access to developmentally appropriate activities in a safe, adequately supervised, and cognitively rich environment.

The Superintendent or designee shall collaborate with the local child care and development planning council, the county office of education, other public agencies, organizations, and/or private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a comprehensive districtwide and/or countywide plan to increase children's access to high-quality preschool programs.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 5148 - Child Care and Development)

The Superintendent or designee shall provide information about preschool options in the community to parents/guardians upon request.

District Preschool Programs

When the Board determines that it is feasible, the district may contract with the California Department of Education (CDE) to provide preschool services in facilities at or near district schools, either directly or through a subcontract with a public or private provider.

District preschool programs shall comply with all health and safety laws and regulations, including, when applicable, licensure requirements pursuant to 22 CCR 101156.

The Board shall approve, for the district's preschool program, a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

The Board shall set priorities for establishing or expanding services as resources become available, giving consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing district schools.
(cf. 6171 - Title I Programs)

Preschool classroom needs shall be addressed in the district's facilities master plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations or agencies.

(cf. 1330.1 - Joint Use Agreements)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7210 - Facilities Financing)

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall coordinate the district's preschool program, transitional kindergarten program (TK), and elementary education program to provide a developmental continuum that builds upon children's growing skills and knowledge.

(cf. 6011 - Academic Standards)  
(cf. 6170.1 - Transitional Kindergarten)

The district's program shall be aligned with preschool learning foundations and curriculum frameworks developed by CDE which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. The program shall be designed to facilitate children's development in essential skills in the areas of language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

The district's preschool program shall provide appropriate services to support the needs of at-risk children.

(cf. 0415 - Equity)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6174 - Education for English Learners)  
(cf. 6175 - Migrant Education Program)

To maximize the ability of children to succeed in the preschool program, the program shall support children's health through proper nutrition and physical activity and shall provide or make referrals to available health and social services as needed.
(cf. 3550 - Food Services/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

The district shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

(cf. 1240 - Volunteer Assistance)

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

(cf. 4112.2 - Certification)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Preschool admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a health examination requirement. (CCR 18105; 22 CCR 101218)

The Superintendent or designee shall ensure that subsidized preschool is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

The Superintendent or designee shall recommend strategies to link the district's preschool program with other available child care and development programs in the district or community in order to assist families whose child care needs extend beyond the length of time that the district's part-day preschool program is offered.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)
The district's Williams uniform complaint procedures, with modifications as necessary, shall be used to investigate and resolve complaints alleging violation of applicable health or safety requirements for license-exempt programs operating under the California State Preschool Program. However, licensed programs shall refer complaints alleging health and safety violations to the California Department of Social Services. (Education Code 8235.5; 5 CCR 4610, 4611)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Superintendent or designee shall regularly report to the Board regarding enrollment in district preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

(cf. 0500 - Accountability)

Legal Reference:
EDUCATION CODE
8200-8499.10 Child Care and Development Services Act, especially:
8200-8209 General provisions for child care and development services
8230-8233 Migrant child care and development program
8235-8239.1 California State Preschool Program
8240-8244 General child care and development programs
8250-8252 Programs for children with special needs
8263 Eligibility and priorities for subsidized child development services
8263.3 Disenrollment of families due to reduced funding levels
8264.8 Center-based child care programs, staffing ratios
8273.1 Family fees
8360-8370 Personnel qualifications
8400-8409 Contracts, administrative appeal procedure
8493-8498 Facilities, capital outlay
8499.3-8499.7 Local child care and development planning councils
44065 Interchange between certificated and classified positions
44256 Credential types
48000 Transitional kindergarten
48985 Notification, primary language other than English
HEALTH AND SAFETY CODE
1596.70-1596.895 California Child Day Care Act
1596.90-1597.21 Day care centers
120325-120380 Immunization requirements
CODE OF REGULATIONS, TITLE 5
4680-4687 Williams uniform complaint procedures
18000-18434 Child care and development programs, especially:
18130-18136 California State Preschool Program
18295 Waiver of qualifications for site supervisor
80105-80125  Permits authorizing service in child development programs
CODE OF REGULATIONS, TITLE 22
101151-101239.2  General requirements, licensed child care centers, especially:
101151-101163  Licensing and application procedures
101212-101231  Continuing requirements
101237-101239.2  Facilities and equipment
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
6311-6322  Title I, relative to preschool
6371-6376  Early Reading First
6381-6381k  Even Start family literacy programs
6391-6399  Education of migratory children
UNITED STATES CODE, TITLE 42
9831-9852c  Head Start programs
9857-9858r  Child Care and Development Block Grant
CODE OF FEDERAL REGULATIONS, TITLE 45
1301.1-1305.2  Head Start

Management Resources:
CSBA PUBLICATIONS
What Boards of Education Can Do About Kindergarten Readiness, Governance Brief, May 2016
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California Preschool Learning Foundations
Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009
Prekindergarten Learning Development Guidelines, 2000
First Class: A Guide for Early Primary Education, 1999
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Good Start, Grow Smart, April 2002
WEB SITES
CSBA: http://www.csba.org
California Association for the Education of Young Children: http://www.caeyc.org
California County Superintendents Educational Services Association: http://www.ccsesa.org
California Department of Education: http://www.cde.ca.gov
California Head Start Association: http://caheadstart.org
California Preschool Instructional Network: http://www.cpin.us
Child Development Policy Institute: http://www.cdpi.net
Cities, Counties, and Schools Partnership: http://www.ccspartnership.org
First 5 Association of California: http://www.c5california.org
National Institute for Early Education Research: http://nieer.org
Durham Unified School District
Administrative Regulation
Preschool/Early Childhood Education

AR 5148.3
Students

When approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP), the district may operate one or more part-day preschool programs in accordance with law and the terms of its contract with CDE.

(cf. 5148 - Child Care and Development)

***Note: 5 CCR 18130 specifies the state regulations for child care and development programs that are applicable to CSPP programs. These requirements include, but are not limited to, the program components listed in 5 CCR 18272-18281. See AR 5148 - Child Care and Development for details regarding these required program components.***

The district's preschool program shall include all required program components, as described in 5 CCR 18272-18281 and AR 5148 - Child Care and Development, for the educational program, the creation of a developmental profile for each child, staff development, parent involvement and education, community involvement, health and social services, nutrition, and program evaluation. (5 CCR 18271-28281)

Minimum Hours/Days of Operation

The district's part-day preschool program shall operate a minimum of three hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235; 5 CCR 18136)

Staffing

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)

(cf. 1240 - Volunteer Assistance)
(cf. 6020 - Parent Involvement)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and AR 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)
In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

Wraparound Child Care Services

In accordance with its contract with CDE, the district may offer full-day services to meet the needs of eligible families through a combination of part-day preschool and wraparound child care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant to Education Code 8240-8244. (Education Code 8239)

Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. Within this period of time, the part-day preschool program shall operate 175-180 days. After the completion of the preschool program, a part-time general child care and development program may operate a full day for the remainder of the year. (Education Code 8239)

Family Literacy Services

When any district preschool program receives funding for family literacy services pursuant to Education Code 8238.4, the Superintendent or designee shall coordinate the provision of: (Education Code 8238)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development

2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:

   a. Providing support for the educational growth and success of their children

   b. Improving parent-school communications and parental understanding of school structures and expectations

   c. Becoming active partners with teachers in the education of their children

   d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district
special education referral

3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians

(cf. 6200 - Adult Education)

4. Staff development for teachers in participating classrooms that includes, but is not limited to:

a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies

b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms

c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities

d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

(cf. 4131 - Staff Development)

Eligibility and Enrollment

Children eligible for the district's CSPP program include those who will have their third or fourth birthday on or before December 1 of the fiscal year that they are being served. Children who have their third birthday on or after December 2 may be enrolled on or after their third birthday. (Education Code 8208, 8235, 8236)

Eligibility for the CSPP program shall be as follows:

1. Children shall be eligible for subsidized preschool services if their family is a current aid recipient, income eligible, or homeless and/or the children are recipients of protective services or have been identified as being, or at risk of being, abused, neglected, or exploited. (Education Code 8235, 8263, 8263.1)

2. Children shall be eligible for subsidized wraparound preschool and child care services if their family meets at least one of the criteria specified in item #1 above and needs child care services due to either of the following circumstances: (Education Code 8239, 8263)

a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless.
(cf. 6173 - Education for Homeless Children)

b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or for the attainment of a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children ages 3-4 who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

After all children with first priority are enrolled, the district shall give second priority to eligible children 4 years of age who are not enrolled in a transitional kindergarten (TK) program prior to enrolling eligible children 3 years of age. (Education Code 8236)

After all otherwise eligible children have been enrolled, the program may provide services to children with disabilities who are ages 3-4 and whose family income is above the income eligibility threshold. (Education Code 8235)

In addition, after enrolling all eligible children, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income exceeds the income eligibility threshold by no more than 15 percent. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)
Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that he/she no longer wants the service

4. The death of a parent/guardian or child

5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)

Combined Preschool/Transitional Kindergarten Classroom

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8235, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.

2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.

4. The classroom shall comply with the adult-child ratio specified in Education Code 8264.8.

5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program in accordance with 5 CCR 18068.

6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

(cf. 5111 - Admission)
(cf. 6170.1 - Transitional Kindergarten)

Fees and Charges

Fees for participation in the district's preschool program shall be assessed and collected in accordance with the fee schedule established by the Superintendent of Public Instruction (SPI). (Education Code 8273; 5 CCR 18078)

(cf. 3260 - Fees and Charges)

However, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8273.1; 5 CCR 18110)

A family may be exempt from the fees for up to 12 months if the child qualifies for preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused or neglected. (Education Code 8273.1)

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8273.3)

Disenrollment Based on Reduced Funding

When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)

1. Children 3 years of age whose families have the highest income in relation to family size shall be disenrolled first, followed by children 4 years of age whose families have the highest income in relation to family size.
At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled first. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.

2. Families of children 3 or 4 years of age who are receiving child protective services or who have been documented to be at risk of being neglected or abused, regardless of income, shall be disenrolled last.

Expulsion/Unenrollment Based on Behavior

A district preschool program shall not expel or unenroll a child based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8239.1)

1. Inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program.

2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), with written parent/guardian consent, contact the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child.

(cf. 6159 - Individualized Education Program)

3. If the child does not have an IFSP or IEP, consider if it is appropriate to complete a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, implementing behavior supports within the program, and considering an IEP for the child.

If the district has taken the actions specified in items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. Within 180 days of the start of the process, the district may unenroll the child. (Education Code 8239.1)

Children with disabilities may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Parent Hearing

If a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the
level of services, he/she may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 18120)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 18120 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to CDE. (5 CCR 18120-18122)

(7/15 10/16) 10/18
Durham Unified School District
Board Policy
Civic Education

BP 6142.3
Instruction

The Governing Board recognizes that involvement in civic and political institutions is essential to a democratic government and desires to provide a comprehensive civic education program to help students acquire the knowledge, skills, and principles essential for informed, engaged, and responsible citizenship.

The Board shall approve, upon the recommendation of the Superintendent or designee, academic standards and curriculum in civics and government that are aligned with state academic standards and curriculum frameworks.

(cf. 6000 - Concepts and Roles)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 9000 - Role of the Board)

The Superintendent or designee shall determine specific courses within the K-12 curriculum in which civic education and government may be explicitly and systematically taught. He/she shall also encourage the integration of civic education into other subjects as appropriate.

(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)

The district's civic education program shall provide students with an understanding of the rights and responsibilities of citizens in American democracy and the workings of federal, state, and local governments. As appropriate, instruction should include an examination of fundamental American documents, including, but not limited to, the Declaration of Independence, the United States Constitution, the Federalist Papers, and other significant writings and speeches. Instruction should also promote a student's understanding of shared democratic principles and values, such as personal responsibility, justice, equality, respect for others, civic-mindedness, and patriotism, and enable students to make their own commitment to these civic values.

Service learning, extracurricular and cocurricular activities, class and school elections, simulations of government, student-led debates, voter education, and observation of local government processes may be used to reinforce classroom instruction by linking civic knowledge to practical experience and encouraging civic involvement.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6145 - Extracurricular and Cocurricular Activities)
Whenever civic education includes topics that may be controversial due to political beliefs or other influences, instruction shall be presented in a balanced manner that does not promote any particular viewpoint. Students shall not be discriminated against for expressing their ideas and opinions and shall be encouraged to respect different points of view.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6144 - Controversial Issues)

Constitution/Citizenship Day

Each year on or near September 17, in commemoration of Constitution and Citizenship Day, the district shall hold an educational program for students in grades K-12 pertaining to the United States Constitution which shall include exercises and instruction in the purpose, meaning, and importance of the Constitution, including the Bill of Rights. (Education Code 37221; 36 USC 106 Note)

(cf. 6115 - Ceremonies and Observances)

Student Voter Registration

To encourage students to participate in the elections process when they are of voting age, the Superintendent or designee shall provide high school students with voter registration information, including information regarding the state’s online voter registration system.

The Superintendent or designee shall identify an employee at each high school whom the California Secretary of State may contact to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the business address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)

The designated employee shall determine the most effective means of distributing voter registration forms provided by the Secretary of State, which may include, but are not limited to, distributing the forms at the start of the school year with orientation materials, placing voter registration forms at central locations, including voter registration forms with graduation materials, and/or providing links and the web site address of the Secretary of State's online voter registration system on the district's web site and in email notices sent to students.

The principal or designee may appoint one or more students enrolled at each high school to serve as voter outreach coordinators at that school. The voter outreach coordinator(s) may coordinate voter registration activities at the school to encourage eligible persons to register to vote. With the approval of the principal or designee, the voter outreach coordinator(s) may also coordinate election-related activities on campus, including voter registration drives, mock elections, debates, and other election-related student outreach activities. (Education Code 49041)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.13 - Response to Immigration Enforcement)

During the last two full weeks in April and September, in areas on each high school campus that are reasonably accessible to all students as designated by the principal or designee, the county elections official shall be allowed to register students and school personnel to vote. (Education Code 49040)

Legal Reference:
EDUCATION CODE
54 Student service on boards and commissions
233.5 Teaching of principles
33540 Standards for government and civics instruction
37221 Commemorative exercises including anniversary of U.S. Constitution
48205 Absence from school for jury duty or precinct board service
49040-49041 Student voter registration
51210 Courses of study, grades 1-6
51220 Courses of study, grades 7-12
51470-51474 State Seal of Civic Engagement
ELECTIONS CODE
2146 Student voter registration
2148 Student voter registration, contact person
12302 Precinct boards, appointment of students
UNITED STATES CODE, TITLE 20
6711-6716 Education for Democracy Act
UNITED STATES CODE, TITLE 36
101-144 Patriotic observances

Management Resources:
AMERICAN BAR ASSOCIATION PUBLICATIONS
Essentials of Law-Related Education, rev. 2003
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
History-Social Science Content Standards
History-Social Science Framework for California Public Schools
CENTER FOR CIVIC EDUCATION PUBLICATIONS
Education for Democracy: California Civic Education Scope & Sequence, 2003
National Standards for Civics and Government, 1994
NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) PUBLICATIONS
Civics Assessment
WEB SITES
CSBA: http://www.csba.org
American Bar Association: http://www.americanbar.org/groups/public_education.html
American Political Science Association: http://www.apsanet.org
Bill of Rights Institute: http://www.billofrightsinstitute.org
California Association of Student Leaders:  http://www.casl1.org
California Council for the Social Studies: http://www.ccss.org
California Secretary of State Online Voter Registration: http://registertovote.ca.gov
Center for California Studies: http://www.csus.edu/calst
Center for Civic Education: http://www.civiced.org
Center for Information and Research on Civic Learning and Engagement:
http://www.civicyouth.org
Constitutional Rights Foundation: http://www.crf-usa.org
National Assessment of Educational Progress, Civics Assessment:
http://nces.ed.gov/nationsreportcard/civics
National Council for the Social Studies: http://www.ncss.org

(7/06)  10/18
Durham Unified School District
Board Policy
Athletic Competition

BP 6145.2
Instruction

The Governing Board recognizes that the district's athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5030 - Student Wellness)
(cf. 5137 - Positive School Climate)
(cf. 6142.7 - Physical Education and Activity)
(cf. 7110 - Facilities Master Plan)

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

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

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

(cf. 1260 - Educational Foundation)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 1325 - Advertising and Promotion)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
Any complaint alleging discrimination in the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

California Interscholastic Federation

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

The Board shall annually designate a representative to the local CIF league from each school that participates in CIF sports. The Superintendent or designee shall recommend a candidate for the position who demonstrates an understanding of the district's goals for student learning and interscholastic activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the district, and interpersonal communication and leadership skills.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

(cf. 0500 - Accountability)

Student Eligibility

Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)
(cf. 5111.1 - District Residency)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program, including, but not
limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

(cf. 3260 - Fees and Charges)
(cf. 5143 - Insurance)

Sportsmanship

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Code of Ethics adopted by CIF.

Students and staff shall be subject to disciplinary action for improper conduct.

(cf. 3515.2 - Disruptions)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.4 - Student Disturbances)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)
(cf. 5131.63 - Steroids)
(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5141.7 - Sun Safety)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.
The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 35179.4)

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or any other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

Whenever a serious injury or illness is suffered by a student athlete, the Superintendent or designee shall notify the student's parent/guardian of the date, time, and extent of any injury or illness suffered by the student and any actions taken to treat the student.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
17578 Cleaning and sterilizing of football equipment
17580-17581 Football equipment
32220-32224 Insurance for athletic teams, especially:
32221.5 Required insurance for athletic activities
33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program
33354 California Department of Education authority over interscholastic athletics
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35160.5 District policies; rules and regulations
35179 Interscholastic athletics
35179.1 California High School Coaching Education and Training Program
35179.4 Emergency action plan
35179.5 Interscholastic athletics; limitation on full-contact practices
35179.6 Automated external defibrillator, athletic activities
48850 Interscholastic athletics; students in foster care and homeless students
48900 Grounds for suspension and expulsion
48930-48938 Student organizations
49010-49013 Student fees
49020-49023 Athletic programs; legislative intent, equal opportunity
49030-49034 Performance-enhancing substances
49458 Health examinations, interscholastic athletic program
49475 Health and safety, concussions and head injuries
49700-49701 Education of children of military families
51242 Exemption from physical education for high school students in interscholastic athletic program
HEALTH AND SAFETY CODE
1797.196 Automated external defibrillator
PENAL CODE
245.6 Hazing
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs, especially:
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities
5531 Supervision of extracurricular activities of students
5590-5596 Employment of noncertificated coaches
UNITED STATES CODE, TITLE 20
1681-1688 Discrimination based on sex or blindness, Title IX
CODE OF FEDERAL REGULATIONS, TITLE 34
106.31 Nondiscrimination on the basis of sex in education programs or activities
106.33 Comparable facilities
106.41 Nondiscrimination in athletic programs
COURT DECISIONS
Mansourian v. Regents of University of California, (2010) 602 F. 3d 957

Management Resources:
CSBA PUBLICATIONS
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013
CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS
Athletic Department Emergency Action Plan: Response Teams
California Interscholastic Federation Constitution and Bylaws
A Guide to Equity in Athletics
Guidelines for Gender Identity Participation
Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians
Event Emergency Guidelines, 2013
Pursuing Victory with Honor, 1999
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
Heads Up: Concussion in High School Sports, Tool Kit, June 2010
Heads Up: Concussion in Youth Sports, Tool Kit, July 2007
Acute Concussion Evaluation (ACE) Care Plan, 2006
NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS PUBLICATIONS
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Withdrawal of Dear Colleague Letter on Transgender Students, Dear Colleague Letter, February 22, 2017
Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague Letter, April 20, 2010
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
California Interscholastic Federation:  http://www.cifstate.org
Centers for Disease Control and Prevention, Concussion Resources: http://www.cdc.gov/concussion
National Federation of State High School Associations: http://www.nfhs.org
National Operating Committee on Standards for Athletic Equipment:  http://www.nocsae.org
U.S. Department of Education, Office for Civil Rights:  http://www2.ed.gov/ocr

(11/11 5/17) 10/18
Durham Unified School District  
Administrative Regulation  
Athletic Competition

AR 6145.2  
Instruction

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No student shall be excluded from participation in, be denied the benefits of, be denied  
equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or  
club athletics on the basis of any actual or perceived characteristic specified in law and BP 0410 -  
Nondiscrimination in District Programs and Activities. (Education Code 220, 221.5, 230; 5  
CCR 4920; 34 CFR 106.41)

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

The Superintendent or designee may provide single-sex teams when selection for the teams is  
based on competitive skills. (5 CCR 4921; 34 CFR 106.41)

Each student shall be allowed to participate in any single-sex athletic program or activity  
consistent with his/her gender identity and for which he/she is otherwise eligible to participate,  
irrespective of the gender listed on the student's records. (Education Code 221.5)

(cf. 5125 - Student Records)

When a school provides only one team in a particular sport for members of one sex, but provides  
no team in the same sport for members of the other sex, and athletic opportunities in the total  
program for that sex have been previously limited, members of the excluded sex shall be allowed  
to try out and compete with the team. The same standards for eligibility shall be applied to every  
student trying out for the team, regardless of sex, sexual orientation, gender, gender identity,  
gender expression, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

The Superintendent or designee shall ensure that equivalent opportunities are available to both  
sexes in athletic programs by considering, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the offered selection of sports and levels of competition effectively  
accommodate the interests and abilities of both sexes

The athletic program may be found to effectively accommodate the interests and abilities of both  
sexes using any one of the following tests: (Education Code 230)

a. Whether the interscholastic-level participation opportunities for male and female students  
are provided in numbers substantially proportionate to their respective enrollments
b. Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and a continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

c. Where the members of one sex are underrepresented among interscholastic athletes and the district cannot show a history and continuing practice of program expansion as required in item #1b above, whether the district can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program

2. The provision and maintenance of equipment and supplies

3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices

4. Travel and per diem allowances

5. Opportunities to receive coaching and academic tutoring

6. Assignment and compensation of coaches and tutors

7. Provision of locker rooms, practice facilities, and competitive facilities

8. Provision of medical and training facilities and services

9. Provision of housing and dining facilities and services

10. Publicity

11. Provision of necessary funds

Each school that offers competitive athletics shall, at the end of the school year, post on its school web site, or on the district web site if the school does not have a web site, the following information: (Education Code 221.9)

1. The total enrollment of the school, classified by gender

2. The number of students enrolled at the school who participate in competitive athletics, classified by gender

3. The number of boys' and girls' teams, classified by sport and by competition level

(cf. 1113 - District and School Web Sites)

The data reported for items #1-3 above shall reflect the total number of players on a team roster on the official first day of competition. The materials used to compile this information shall be
retained by the school for at least three years after the information is posted on the web site.  
(Education Code 221.9) (cf. 3580 - District Records)

Concussions and Head Injuries

The Superintendent or designee shall annually distribute to student athletes and their 
parents/guardians an information sheet on concussions and head injuries. The student and 
parent/guardian shall sign and return the information sheet before the student initiates practice or 
competition.  (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall provide training to coaches and/or athletic trainers 
regarding concussion symptoms, prevention, and appropriate response.  (Education Code 
35179.1, 49032)

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

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, 
he/she shall be immediately removed from the activity for the remainder of the day. The student 
shall not be permitted to return to the activity until he/she is evaluated by a licensed health care 
provider trained in the management of concussions and receives the health care provider's 
written clearance to return to the activity.  If the health care provider determines that the athlete 
sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play 
protocol of no less than seven days in duration under the supervision of a licensed health care 
provider.  (Education Code 49475)

A middle school or high school football team shall not hold a full-contact practice during the 
off-season and shall not conduct more than two full-contact practices per week during the 
preseason and regular season (from 30 days before the commencement of the regular season until 
the completion of the final interscholastic football game of that season). In addition, the 
full-contact portion of a practice shall not exceed 90 minutes in any single day. For these 
purposes, full-contact practice means a practice where drills or live action is conducted that 
involves collisions at game speed, where players execute tackles and other activity that is typical 
of an actual tackle football game.  (Education Code 35179.5)

Heat Illness

The Superintendent or designee shall provide training to coaches and/or athletic trainers 
regarding the signs and symptoms of, and the appropriate response to, heat illness, including heat 
cramps, heat syncope, heat exhaustion, and exertional heat stroke.  (Education Code 35179.1, 
49032)

To assist in the prevention of heat illness, coaches and/or athletic trainers shall gradually increase 
the intensity and duration of exercise to acclimate student athletes to practice in the heat, provide 
adequate rest breaks, make water available during all athletic activities, and alter practice plans
in extreme environmental conditions.

Sudden Cardiac Arrest

The Superintendent or designee shall distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by CIF, the student and his/her parent/guardian shall, prior to the student's participation in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site.  (Education Code 33479.2, 33479.3)

The Superintendent or designee shall provide training to coaches and/or athletic trainers regarding the nature and warning signs of sudden cardiac arrest.  (Education Code 33479.6, 33479.7, 35179.1, 49032)

If a student athlete passes out or faints, or is known to have passed out or fainted, while participating in or immediately following his/her participation in an athletic activity, the student shall be removed from participation at that time. If a student exhibits any other symptoms of sudden cardiac arrest, including seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart rate, or extreme fatigue, he/she may be removed from participation by a coach or other employee who observes these symptoms. If any such symptoms are observed, notification shall be given to the student's parent/guardian so that the parent/guardian can determine the treatment, if any, the student should seek. A student who has been removed from participation shall not be permitted to return until he/she is evaluated and given written clearance to return to participation by a health care provider.  (Education Code 33479.2, 33479.5)

Automated External Defibrillators

The Superintendent or designee shall acquire at least one automated external defibrillator (AED) for each district school and shall make the AED(s) available to coaches, athletic trainers, and/or other authorized persons at athletic activities or events for the purpose of providing emergency care or treatment to students, spectators, and other individuals in attendance at athletic activities and events.  (Education Code 35179.6)

(cf. 5141 - Health Care and Emergencies)

The district shall comply with all requirements of Health and Safety Code 1797.196 pertaining to any AED acquired by the district, including, but not limited to, regular maintenance and testing of the AED and the provision and posting of information regarding the proper use of the AED.  (Education Code 35179.6; Health and Safety Code 1797.196)

Additional Parental Notifications
Before a student participates in interscholastic athletic activities, the Superintendent or designee shall, in addition to providing his/her parents/guardians with information on the signs and symptoms of concussions and sudden cardiac arrest as described above, send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the district's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

2. Includes a copy of students' Title IX rights pursuant to Education Code 221.8

3. Explains that there is an element of risk associated with all athletic competitions and that the district cannot guarantee that students will not be injured, despite a commitment to every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the district to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

6. States the district's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

7. Includes a copy of the local CIF league rules

8. Includes information about the CIF bylaw and district policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, or prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

(10/15  5/17)  10/18
2019 Regular Board Meeting Dates

Regular Board Meetings are scheduled for the third Wednesday of the month.

Return to Open Session for regular meetings is scheduled to begin at 7:00 p.m. or unless noted differently on the agenda for that meeting

January 16
February 20
March 20
April 17
May 15
June 19
June 26
August 21
September 18
October 16
November 13
December 18

ADOPTED:
DURHAM UNIFIED SCHOOL DISTRICT

Board Meeting Date: 12/19/18

SUBJECT: Selection of Independent Auditor for 2018-19 through 2020-21

PREPARER: Ron Sherrod

RECOMMENDATION

✓ Approve  □ Do Not Approve
□ Accept    □ Discuss
□ Information Only

BACKGROUND:

Three-year audit contracts are common for school districts in the area. The audit partner in charge of the audit may continue for no more than six years per state law. Tittle & Company has served as the district’s independent auditors for the past six years. The Board must select an auditor for the June 30, 2019 financial statements by April 1, 2018.

The district sent out a request for proposal to four regional, eligible audit firms. Two firms submitted a proposal to perform DUSD’s audit for the 2018-19, 2019-20 and 2020-21 school years. The proposed fee schedules are as follows:

<table>
<thead>
<tr>
<th>Firm</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horton, McNulty, &amp; Saeteurn, LLP</td>
<td>17,500</td>
<td>18,100</td>
<td>18,700</td>
</tr>
<tr>
<td>Christy White Associates</td>
<td>19,000</td>
<td>19,000</td>
<td>19,000</td>
</tr>
</tbody>
</table>

I have reviewed each proposal. Each of the firms are relatively new organizations, but also have staff with a high level of experience with school district audits. I believe that the firms provide a relatively comparable level of service and would recommend the selection of Horton, McNulty, & Saeteurn, LLP for our audit services as they are local and provide a more reasonable price.
Resolution No. 19-06

RESOLUTION OF THE DURHAM UNIFIED SCHOOL DISTRICT
DECLARING AN EMERGENCY UNDER PUBLIC CONTRACT CODE SECTIONS
22035 AND 22050

WHEREAS, Durham Unified School District has suffered smoke damage at all school sites, which was caused during the recent wildfires, an occurrence that Durham Unified Schools cannot remediate using its own forces; and

WHEREAS, unless immediate action is taken to repair these damages as listed above, which has created adverse health and safety conditions; and

WHEREAS, it is essential that these repairs be undertaken immediately to allow Durham Unified School District staff and students to return to school in a safe and healthy environment; and

WHEREAS, under Public Contract Code Sections 22035 and 22050, in an emergency, in a district that has adopted the California Uniform Public Construction and Accounting Act, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts; and,

WHEREAS, Durham Unified School District has previously adopted the California Uniform Public Construction and Accounting Act; and

NOW, THEREFORE, IT IS RESOLVED that this Board has determined, by at least a four-fifths vote herein recorded, that pursuant to Public Contract Code Sections 22035 and 22050, for the reasons set forth above, an emergency exists in that there is both a danger to life and/or property and that delay could interfere with resuming normal school operations; and

IT IS FURTHER RESOLVED THAT, upon approval of this Resolution, the Board delegates to the Superintendent, or her designee, the authority to contract in writing with a reputable licensed contractor for the performance of the work required, such contract to be ratified by the Board; and
BE IT FURTHER RESOLVED THAT, for any contract exceeding $25,000.00, performance and payment bonds will be required.

PASSED and ADOPTED BY the Governing Board of the Durham Unified School District on this 19th day of December 2018, by the following votes:

AYES: ____________
NOES: ____________
ABSENT OR NOT VOTING: ______

________________________________
, President

Attest:

________________________________
, Clerk
RESOLUTION OF THE GOVERNING BOARD OF THE DURHAM UNIFIED SCHOOL DISTRICT REGARDING ANNUAL ACCOUNTING OF DEVELOPMENT FEES FOR 2017-2018 FISCAL YEAR IN THE CAPITAL FACILITIES (DEVELOPER FEE) FUND (Government Code sections 66001(d) and 66006(b))

RESOLUTION # 19-07

1. Authority and Reasons for Adopting this Resolution.

A. This District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated November 15, 2017, and is referenced herein as the “School Facilities Fee Resolution” and is hereby incorporated by reference into this Resolution. These resolutions were adopted under the authority of Education Code section 17620 (formerly Government Code section 53080). These fees have been deposited into the Capital Facilities (Developer Fee) Fund.

B. Government Code sections 66001(d) and 66006(b) require this District to make an annual accounting of the Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year.

C. Government Code sections 66001(d) and 66006(b) further require that the annual accounting of the Fund and those findings be made available to the public no later than 180 days after the last day of each fiscal year (December 28, 2017), that this information be reviewed by this Board at its next regularly scheduled board meeting held no earlier than 15 days after they come available to the public, and that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) was mailed at least 15 days prior to this meeting to anyone who had requested it.

D. The Superintendent has informed this Board that a draft copy of this Resolution (along with Exhibit A which is incorporated by reference into this Resolution) was made available to the public on November 14, 2018. The Superintendent has further informed this Board that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) was mailed as least 15 days prior to this meeting to anyone who had requested it.

E. The Superintendent has also informed this Board that there is no new information which would adversely affect the validity of any of the findings made by this Board in its School Facilities Fee Resolution.
2. **What This Resolution Does.**

This Resolution makes various findings and takes actions regarding the Fund as required by and in accordance with Government Code sections 66001(d) and 66006(b).

3. **Findings Regarding the Fund.**

Based on all findings and evidence contained in, referred to, or incorporated into this Resolution, as well as the evidence presented to this Board at this meeting, the Board finds each of the following with respect to the Fund for the 2017-2018 Fiscal Year:

A. In reference to Government Code section 66006(b)(2), the information identified in section 1 above is correct;

B. In further reference to Government Code section 66001(d)(1), this Board has reviewed the annual accounting for the Fund as contained in Exhibit A and determined that it meets the requirements set forth in Government Code section 66006(b)(1);

C. In reference to Government Code section 66001(d)(1), and with respect only to that portion of the Fund remaining unexpended at the end of the 2017-2018 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by the development on which the fees were levied, which facilities are more specifically identified in Exhibit B;

D. In reference to Government Code section 66001(d)(2), and with respect only to that portion of the Fund remaining unexpended at the end of the 2017-2018 Fiscal Year, the findings and evidence referenced above demonstrate that there is a reasonable relationship between the fees and the purpose for which it is charged;

E. In reference to Government Code section 66001(d)(3), and with respect only to that portion of the fund remaining unexpended at the end of the 2017-2018 Fiscal Year, all of the sources and amounts of funding anticipated to complete financing on any incomplete improvements identified as the use to which the fees are to be put is identified in Exhibit B;

F. In reference to Government Code section 66001(d)(4), and with respect only to that portion of the Fund remaining unexpended at the end of the 2017-2018 Fiscal Year, the approximate dates on which the funding referred to in paragraph E, above, is expected to be deposited into the appropriate account or fund as designated in Exhibit B; and
G. In reference to the last sentence of Government Code section 66006(d), because of all the findings required by that subdivision have been made in the fees that were levied in paragraphs C-F, above, the District is not required to refund any moneys in the Fund as provided in Government Code section 66001(e).

4. Superintendent Authorized to Take Necessary and Appropriate Action.

The Board further directs and authorizes the Superintendent to take, on its behalf, such further action as may be necessary and appropriate to effectuate this Resolution.

5. Certificate of Resolution

I, ________________________, President of the Governing Board of the Durham Unified School District of Butte County, California, certify that this Resolution proposed by _________________________, seconded by _________________________, was duly passed and adopted by the Board, at an official and public meeting this 19th day of December 2018, by the following vote:

AYES:

NOES:

ABSENT:

______________________________
President of the Board of the Durham Unified School District of Butte County, California
EXHIBIT A
TO RESOLUTION REGARDING ANNUAL ACCOUNTING OF DEVELOPMENT FEES FOR 2017-2018 FISCAL YEAR IN THE CAPITAL FACILITIES (DEVELOPER FEE) FUND

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

A. **A brief description of the type of fee in the fund:** Statutory school facilities developer/impact fees.

B. **The amount of the fees:** $3.48 per square foot of assessable space of residential construction; $0.56 per square foot of covered and enclosed space of commercial/industrial construction; and $0.08 per square foot for a mini-storage facility; but subject to the District's determination that a particular project is exempt from all or part of these fees.

C. **The beginning and ending balance of the Fund:** See Attachment A-1

D. **The amount of the fees collected and the interest earned:** See Attachment A-1

E. **An identification of each public improvement project on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees:** See Attachment A-1

F. **An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) subdivision (a) of section 66001, and the public improvement remains incomplete:** No projects are currently in progress or incomplete.

G. **A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan:** The District has not made any such inter-fund transfers or loans.

H. **The amount of refunds made pursuant to subdivision (e) of section 66001 and any allocations pursuant to subdivision (f) of section 66001:** No refunds or allocations were made pursuant to subdivisions (e) or (f) of section 66001.
ATTACHMENT A-1
TO RESOLUTION REGARDING ANNUAL ACCOUNTING OF
DEVELOPMENT FEES FOR 2017-2018 FISCAL YEAR IN THE CAPITAL
FACILITIES (DEVELOPER FEE) FUND

Capital Facilities (Developer Fee) Fund Statement of
Revenues, Expenditures and Changes in Fund Balance
As of and for the Fiscal Year Ended June 30, 2018

Revenues
Fees collected $ 56,884
Interest 6,484
Decrease in fair value of cash in county treasury <1,190>
Total Revenues 62,178

Expenditures
Administration fees charged by General Fund $ 1,706
Video Surveillance System 120,106
IT Network Infrastructure Upgrade 310,239
Total Expenditures 432,051

Revenues in Excess <Deficit> of Expenditures 369,873

Audited Fund Balance - July 1, 2017 585,626

Unaudited Fund Balance - June 30, 2018 $ 215,753
EXHIBIT B
TO RESOLUTION REGARDING ANNUAL ACCOUNTING OF
DEVELOPMENT FEES FOR 2017-2018 FISCAL YEAR IN THE CAPITAL
FACILITIES (DEVELOPER FEE) FUND

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

A. With respect to only that portion of the Fund remaining unexpended at
the end of the 2017-2018 Fiscal Year, the purpose of the fees is to finance
the construction, reconstruction, or renovation of school facilities
necessary to reduce overcrowding caused by the development on which
the fees were levied.

B. See section 3.D of the Resolution. The fee is necessary to reduce the
impact of possible overcrowding of existing facilities caused by increased
development and population within district boundaries.

C. With respect to only that portion of the Fund remaining unexpended at
the end of the 2017-2018 Fiscal Year, the sources and amounts of funding
anticipated to complete financing any future improvements currently
include only 1) existing statutory developer/mitigation fees and 2) interest
earned on balances in the Capital Facilities (Developer Fee) Fund.

D. With respect to that portion of the Fund remaining unexpended at the
end of the 2017-2018 Fiscal Year, developer/mitigation fees are collected
intermittently as developers are issued permits by the County Building
Department and interest is deposited into this fund quarterly.