

POSTED: 10-04-19

Please Note
This meeting is recorded.
Aviso:
Esta junta se grabará en cinta.

**LOS BANOS UNIFIED SCHOOL DISTRICT
GOVERNING BOARD OF EDUCATION
REGULAR MEETING**

**Los Banos City Council Chambers
520 J Street – Los Banos, CA 93635**

Thursday, October 10, 2019

5:30 Study Session

6:00 PM – Closed Session

7:00 P.M. – Regular Meeting

AGENDA

The District welcomes Spanish speakers to Board meetings. Anyone planning to attend and needing an interpreter should call 826-3801, 48 hours in advance of the meeting, so arrangements can be made for an interpreter.
El Distrito da la bienvenida a las personas de habla hispana a las juntas de la Mesa Directiva. Si planea asistir y necesita interpretación llame al 826-3801, 48 horas antes de la junta, para poder hacer arreglos de interpretación.

I. OPENING BUSINESS

A. Call Public Session to Order

B. Roll Call of Board Members Present

Margaret Benton	Anthony Parreira
Luis Castro	Anahi Rodriguez
Ray Martinez	Marlene Smith
Gary Munoz	Lizbeth Espinoza

C. Study Session (5:30 P.M)

Antonio Rosales-School District Boundaries

D. Closed Session (6:00P.M)

1. Property Negotiations (Section 54956.8) Agency Negotiators: Amer Iqbal (no action)
2. Parental request for Early Graduation for a San Luis High School student (Action)
3. Public Employee: Discipline/Dismissal/Release/Reassignment (Section 54957) (No Action)
4. Conference with Labor Negotiator (Section 54957.6) Agency Negotiators: Tammie Calzadillas, Amer Iqbal, Mark Marshall, Paula Mastrangelo and C. Sean Richey; Employee Organization: LBTA/CSEA (No action).
5. Public Employee Performance Evaluation (Government Code section 54957) Discussion/No Action Title: District Superintendent

II. OPEN REGULAR MEETING (7:00 P.M.)

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

Motion by _____ Seconded by _____

Proposed Action: Approve Agenda

V. **PUBLIC HEARING**

Public Presentations:

Members of the public may request an item be placed on the agenda of a regular meeting by submitting a request in writing, with all supporting documents, if any, to the Superintendent at least two weeks before the scheduled meeting date. [BB 9322(a)]

General Public Comment:

Individuals wishing to address the Board on items not on the agenda may do so by approaching the podium. Once recognized, individuals shall identify themselves and make their statement. Speakers are limited to three (3) minutes, with the total time for public input at twenty (20) minutes per non-agenda item. [BB 9323]

Public Comment on Agenda Items:

Members of the community may address specific items on the agenda as they are taken up by the Board in open session or prior to the Board going into closed session. The Board President will recognize individuals who wish to speak. Speakers are limited to three (3) minutes, with the total time for public input at twenty (20) minutes per agenda item. Once public comment on the agenda item is concluded and the Board begins deliberations or recesses to closed session, no further public comment shall be permitted on the agenda item. [BB 9323]

VI. **REPORTS**

- A. Student Representative Report
- B. Los Banos Teachers Association Report
- C. California School Employees Association Report
- D. Superintendent's Report
- E. Facilities Report
- F. Board Member Reports

VII. **NEW BUSINESS**

- A. 2019 CAASPP Scores (Pg 7) **10 Min.**

Staff will share the results from the Spring 2019 administration of the Smarter Balanced Assessment Consortium (SBAC) through the California Assessment of Student Performance and Progress (CAASPP) System.

Proposed Action: None, discussion only.

- B. Naming of New Elementary School (Pg 8) **5 Min.**

It is recommended the Board approve name for the New Elementary School as submitted by the naming committee.

Motion By _____ Seconded By _____

Proposed Action: Approve the name selected by the naming committee

- C. Amended Los Banos Unified School District Boundary Map (Pg 9) **5 Min.**
- It is recommended the Board approve the amended Los Banos Unified School District Boundary Map which includes the New Elementary located at 1951 Mission Drive.
- Motion By: _____ Seconded By: _____
Proposed Action: Approve
- D. Provisional Internship Permits (Pg 12) **5 Min.**
- It is recommended the Board approve the following Provisional Internship Permit:
 Felix, Shannon Special Education Teacher, Mild/Moderate.
- Motion By _____ Seconded By _____
Proposed Action: Approve
- E. Resolution #39-19 Regarding Census 2020 (Pg 15) **5 Min.**
- It is recommended that the Board hold a public hearing and adopt Resolution #39-19 Ensuring a Complete Count of Los Banos Unified School District Students, Families, and Communities in Census 2020.
- Motion By _____ Seconded By _____
Proposed Action: Adopt Resolution (**ROLL CALL VOTE**)
- F. Resolution #40-19 Signatures on Warrant Registers (Pg 17) **5 Min**
- It is recommended the Board adopt Resolution #40-19 authorizing the Superintendent, Assistant Superintendent of Human Resources, Assistant Superintendent of Elementary Education, Chief Academic Officer, Assistant Superintendent of Administrative Services, and the Director of Fiscal Services as authorized signatories for orders drawn on District funds.
- Motion By _____ Seconded By _____
Proposed Action: Adopt Resolution (**ROLL CALL VOTE**)
- G. Authorized Signatures District Bank Accounts (Pg 19) **5 Min.**
- It is recommended the Board approve the Superintendent, Assistant Superintendent of Human Resources, Assistant Superintendent of Elementary Education, Chief Academic Officer, Assistant Superintendent of Administrative Services, and the Director of Fiscal Services as authorized

signatures for the District Revolving Funds, Clearing Account and Children's Welfare Fund.

Motion by _____ Seconded by _____

Proposed Action: Approve

H. Mandated Policy Changes/Updates-First Reading (Pg 20) **5 Min.**

It is recommended the Board declare its intent to adopt the following mandated updates:

- AR 3320 Claims and Actions Against the District; Business and Noninstructional Operations
- AR 3551 Food Service Operations/Cafeteria; Business and Noninstructional Operations
- AR 4117.7-4317.7 Employment Status Reports; Personnel
- BP 4218 Dismissal/Suspension/Disciplinary Action; Personnel
- AR4218 Dismissal/Suspension/Disciplinary Action; Personnel
- AR 5136 Gangs; Students
- BP 5141.52 Suicide Prevention; Students
- AR 6145.2 Athletic Competition; Instruction
- BB 9220 Governing Board Elections; Board Bylaws
- BB 9321 Closed Session; Board Bylaws
- E 9321 Closed Session; Board Bylaws

Motion By _____ Seconded By _____

Proposed Action: Declare Intent to Adopt

VIII. CONSENT CALENDAR

The Consent Calendar represents routine items acted upon in one motion by roll call vote. The recommendation is for adoption, unless otherwise specified. Any item can be removed for discussion upon request.

- A. Approval of Minutes
Regular Meeting, September 12, 2019 (Pg 91)
- B. Personnel Actions
 - 1. Report of Certificated Staffing Actions (Pg 07)
 - 2. Report of Classified Staffing Actions (Pg 98)
 - 3. Certificated Advancement on Salary Schedule (Pg 99)

C. Monthly Fiscal Report (Pg 101)

The monthly Fiscal Report is provided for informational purposes.

D. Annual Report-Developer Fee Collection (Pg 110)

The annual Developer Fee report is submitted for informational purposes.

E. Merced County School Boards Association Dues (Pg 114)

It is recommended the Board approve payment to the Merced County School Board Association for the 2019-20 dues.

F. GAEN District Representative (Pg 116)

It is recommended the Board approve Chief Academic Officer, Dr. C. Sean Richey, as the District representative to the Gateway Adult Education Network (GAEN).

G. Williams Complaint Summary (Pg 117)

It is recommended the Board approve the third quarter Williams Complaint Summary as submitted.

H. Annual Student Organization Review/Approval (Pg 125)

It is recommended the Board approve the updated list of student organizations/clubs for 2019-20 at Los Banos High School, Pacheco High School, Los Banos Junior High School and Creekside Junior High School.

I. Mandated Policy Changes/Updates (Second Reading) (Pg 193)

It is recommended the Board adopt the following revision to policies:

BP 1312	Complaints Concerning District Employees; Community Relations
AR 1312	Complaints Concerning District Employees; Community Relations
BP 3511	Energy and Water Management; Business and Noninstructional Operations
AR 3514	Environmental Safety; Business and Noninstructional Operations
BP 3540	Transportation; Business and Noninstructional Operations
BP 5131.2	Bullying; Students
AR 5131.2	Bullying; Students
BP 5132	Dress and Grooming; Students
AR 5132	Dress and Grooming; Students
BP 6142.1	Sexual Health and HIV/AIDS Prevention Instruction; Instruction
AR 6142.1	Sexual Health and HIV/AIDS Prevention Instruction; Instruction
BP 6142.6	Visual and Performing Arts Education; Instruction
BP 6146.1	High School Graduation Requirements; Instruction

J. Agreements/Contracts

1. Passantino Andersen-Crisis Communication Plan (Pg 193)

K. Overnight/Out-of-State Travel

1. LBHS Girls Basketball, Dec. 27-20, 2019 Walnut Creek West Coast Jamboree (Pg 201)

2. LBHJH MESA Students/Advisor November 25-27, 2019 College Tour, Northern California Colleges (Pg 202)

3. PHS Girls Golf, Oct 20-21, 2019 Divisional Playoffs, Nicolaus, CA (Pg 203)

- 4. LBHS Senior Grad Nite, Disneyland, June 2-3, 2020 (Pg 204)
- 4. LBE Teacher – July 12-16, 2020 Teach your Heart Out, FL/Cozumel (Pg 205)

L. Approval/Ratification of Warrants

Motion By _____ Seconded By _____
Proposed Action: Approve Consent Calendar as listed. (ROLL CALL VOTE)

IX. REPORTING CLOSED SESSION ACTION

The Board will report action taken at the closed session held prior to the start of the meeting.

X. DISCUSSION, INFORMATION & FUTURE AGENDA ITEMS (Board/Superintendent)

XI. CLOSED SESSION (If necessary)

XII. REPORTING CLOSED SESSION ACTION (If necessary)

The Board will report action taken in closed session.

XIII. ADJOURNMENT

Americans with Disabilities Act Assistance: Auxiliary aids and services include a wide range of services and devices that promote effective communications for individuals with disabilities. If you require such assistance, please notify the Office of the Superintendent at 826-3801 as soon as possible. Every effort will be made to give primary consideration to expressed preferences or provide equally effective means of communication to insure equal access to Los Banos Unified School District programs and events

Board Reference Material

SUBJECT TITLE: 2019 CAASPP Scores

REQUESTED ACTION: Report Only

Action_____

Discussion/Information___X___

RECOMMENDATION:

No action required; report only

BACKGROUND INFORMATION:

Staff will share the official results from the Spring 2019 administration of the Smarter Balanced Assessment Consortium (SBAC) through the California Assessment of Student Performance and Progress (CAASPP) System.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Goal #1 - Promote the educational success of all students by closing the achievement gap between groups of students by using best practices to attain proficiency or better by all students in reading and mathematics.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

N/A

ORIGINATOR: Mark Marshall, Ed.D., Superintendent
Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: Naming of New Elementary School

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended that the Board approve “Grasslands Elementary” as the name for the new elementary school

BACKGROUND INFORMATION:

During the month of August, it was posted to Facebook, local newspapers, and the District Website that the naming committee was looking for suggestions to name the new elementary. Over 35 names were suggested via email and USPS. Many were names of local people who had somehow made an impact or had to do with the geographic location or neighborhood of the school site. A class of fifth graders sent in entries as part of a class assignment. After much discussion and voting amongst the members of the committee the name was narrowed down to 3 choices. The top three choices were Grasslands Elementary, Sierra Vista Elementary and Tule Hills Elementary. The committee then placed their final votes and Grasslands Elementary was chosen.

Below is the email that was submitted with the winning entry.

I have a suggestion to name the new school “Grasslands Elementary”. The grasslands surrounding Los Banos have supported natural habitat for many waterfowl species for longer than the town’s existence. It is also home to Tule elk and deer populations. Thousands of acres of grasslands border our town, and are home to National and State Wildlife refuges like San Luis National Wildlife refuge, and Los Banos and Volta Wildlife area. The annual waterfowl season draws people from all areas of California to come enjoy the hunting opportunities. These visitors support many local businesses like restaurants, motels, grocery stores, and gas stations. Los Banos is one of the top migration stops in the state for waterfowl species, which provides a great option for the Grasslands Elementary mascot...The Ducks.”

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Goal 8: Develop and maintain an effective communication system.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

None

ORIGINATOR: Mark Marshall, Ed.D., Superintendent
Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: Amended LBUSD Boundary Map

REQUESTED ACTION:

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve the amended LBUSD Attendance Boundary Map to include the new elementary school located at 1951 Mission Drive.

BACKGROUND INFORMATION:

The amended LBUSD boundary map reflects the philosophy of offering the community neighborhood schools as the amended school boundary map incorporates the immediate geographic area surrounding each of the elementary school sites when possible. The amended boundary map has been discussed at length with stakeholders to include elementary school principals, the LBUSD Transportation Department, and the Board School Facilities Committee.

The amended boundary map that developed as a result of these discussions is a boundary map which allows for the maximum number of students to attend a neighborhood school without having to cross a highway or major roadway. District transportation will continue to be offered for all other students.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

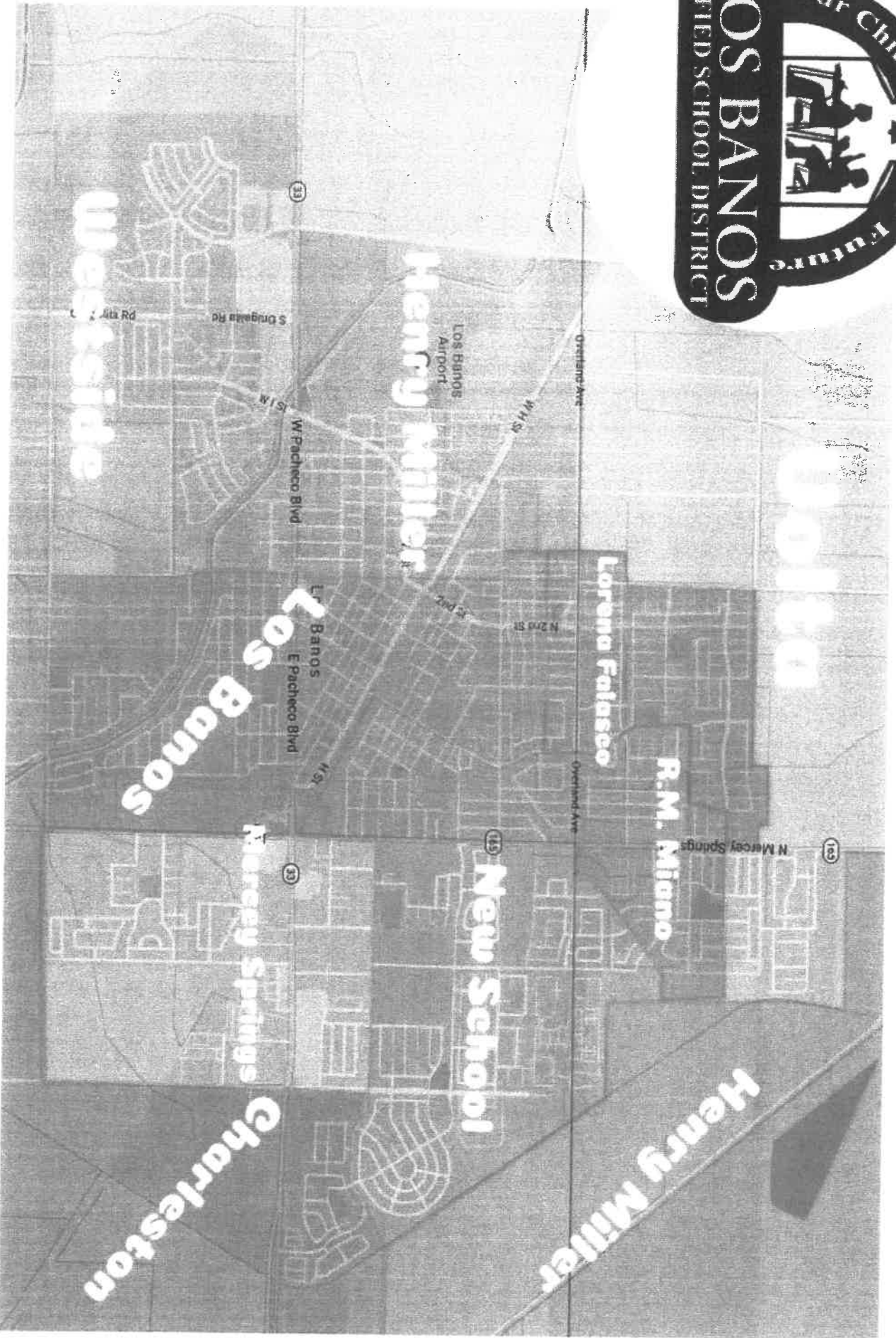
N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

N/A

ORIGINATOR: Paula Mastrangelo, Assistant Superintendent &
Antonio Rosales, 1951 Mission Drive, New School Principal

Date: October 10, 2019



Proposed Los Banos Unified School District Boundary Map

Board Reference Material

SUBJECT TITLE: Provisional Internship Permit

REQUESTED ACTION: Approve

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve a Provisional Internship Permit, which will allow the following assignment for the 2019-20 school year.

BACKGROUND INFORMATION:

1. Felix, Shannon – Special Education Teacher, Mild/Moderate

Current regulation governing Provisional Internship Permits require that a notice of intent to employ an applicant be made public and that a copy of that notice be submitted with the permit request. Public notice for permit requests must include the name of the candidate for whom the permit is being requested, the specific assignment including the subject(s) and grade level (s) the candidate will be teaching and the fact that the candidate will be employed based on a Provisional Internship Permit.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an activity and does not support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

None

ORIGINATOR: Tammie Calzadillas, Ed.D., Assistant Superintendent, Human Resources
Date: October 10, 2019



VERIFICATION OF REQUIREMENTS For the Provisional Internship Permit

This form must be completed by the employing agency and submitted with each application for a Provisional Internship Permit.

Name of Applicant SHANNON FELIX

SSN _____

Name of Employing Agency LOS BANOS UNIFIED SCHOOL DISTRICT

County/District/CDS Code 24 -65755

- Multiple Subject
- Single Subject - Specify subject(s): SPECIAL EDUCATION TEACHER, MILD/MODERATE
- Education Specialist - Specify specialty area(s): _____

By submitting this form, the employing agency named above verifies that items 1-6 have been completed.

1. A diligent search has been conducted for a suitable credentialed teacher or qualified intern teacher by the following methods and verification of such recruitment efforts is attached:

Required recruitment methods (provide photocopies of **all** of the following):

- Distributed job announcements
- Contacted college or university placement centers
- Advertised on the Internet

Optional recruitment methods (in addition to the required methods above):

- Advertised in professional journals
- Attended job fairs in California
- Attended recruitment out-of-state
- Contacted California teacher recruitment centers
- Advertised in local/national newspapers
- Other (explain) LBUSD Job Fair

2. The permit holder will be provided orientation, guidance and assistance during the valid period of the permit

3. Public notice of intent to employ the applicant in the identified position has been given and meets the following criteria (check the box that applies):

- Public School District**
 Public notice was presented as an action item on the governing board agenda and acted upon favorably. A copy of the agenda item is attached.

(continued)

The agenda item included the applicant's name, assignment, including subject(s) grade level(s), school site, and a statement that the applicant will be employed on the basis of a Provisional Internship Permit.

County Offices of Education, Nonpublic Schools, Statewide Agencies, and Charter Schools

Public notice was posted at least 72 hours before the position was filled. A copy of the dated notice is attached.

Public notice included the applicant's name, assignment, including subject(s) grade level(s), school site, and a statement that the applicant will be employed on the basis of a Provisional Internship Permit.

Public notice included a signed statement from the superintendent or administrator confirming there were no objections to the issuance of the permit.

4. The permit holder will be provided assistance in developing a personalized plan through an agency-defined assessment that would lead to meeting subject matter competence related to the permit
5. The permit holder will be provided assistance to seek and enroll in subject matter training, such as workshops or seminars and site-based courses along with training in test-taking strategies and will assist the permit holder in meeting subject matter competence related to the permit
6. The candidate has been apprised of the steps required to earn a credential and enroll in an intern program

I certify under penalty of perjury that I need to complete NCLB core area subject matter to enroll in an intern program for the education specialist preliminary credential

Applicant Signature _____

Employing Agency Certification

This form must be signed by the District/County Superintendent, Personnel Administrator, NPS/NPA Administrator, or Designee.

I certify under penalty of perjury that the information provided on this form is true and correct.

Signature _____

Title **Human Resource Specialist** _____

Date _____

Board Reference Material

SUBJECT TITLE: **Resolution #39-19 Census 2020**

REQUESTED ACTION:

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve resolution 39-19 Ensuring a Complete Count of Los Banos Unified School District Students, Families, and Communities in Census 2020.

BACKGROUND INFORMATION:

A thorough and accurate count of students, families, and communities in the 2020 Census is fundamental to ensuring full representation in our nations democracy and ensuring that the Los Banos Unified School District receives a fair and adequate share of federal funding to serve the needs of children through essential programs like the National School Lunch Program, Title I, and Special Education.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None identified.

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

None identified

ORIGINATOR: Mark E. Marshall Ed.D., Superintendent of Los Banos Unified
Date: October 10, 2019

School Board Resolution #39-19

It was approved by the Los Banos Unified School District Governing Board, that the following Resolution be adopted:

RESOLUTION #35-19 Resolution Ensuring a Complete Count of Los Banos Unified School District Students, Families, and Communities in Census 2020

WHEREAS a thorough and accurate count of students, families, and communities in the 2020 Census is fundamental to ensuring full representation in our nation's democracy and ensuring that the Los Banos Unified School District receives a fair and adequate share of federal funding to serve the needs of children through essential programs like the National School Lunch Program, Title I, and special education; and

WHEREAS the stakes for the 2020 Census are high, especially in communities like ours whose characteristics predict low Census participation, and the District will do its part to ensure a complete count of the most underrepresented and hard-to-count groups, including immigrants, renters, children, teens, people of color, the homeless, and those with limited English proficiency, regardless of background or citizenship status;

THEREFORE, BE IT RESOLVED that the Board of Education hereby reaffirms its commitment to encouraging all residents to participate in the national population count to ensure a complete count of District students and their families in 2020.

The foregoing Resolution was passed and adopted by the Los Banos Unified School District Governing Board at a regular meeting thereof, held on this 10th day of October, 2019.

Ayes _____

Noes _____

Absent _____

Abstain _____

President, Board of Education
Los Banos Unified School District

Clerk, Board of Education
Los Banos Unified School District

Board Reference Material

SUBJECT TITLE: Signatures on Warrant Registers

REQUESTED ACTION: Adopt Resolution

Action X Discussion/Information

RECOMMENDATION:

It is recommended the Board adopt Resolution #40-19 authorizing the Superintendent, Assistant Superintendent of Human Resources, Assistant Superintendent of Elementary Education, Chief Academic Officer, Assistant Superintendent of Administrative Services, and the Director of Fiscal Services as authorized signatories for orders drawn on District funds.

BACKGROUND INFORMATION:

This action is an annual requirement from the Merced County Office of Education.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None.

SPECIFIC FINANCIAL IMPACT (Include impact on School District Facilities):

None.

ORIGINATOR: Mark E. Marshall, Ed.D., Superintendent

Date: October 10, 2019

LOS BANOS UNIFIED SCHOOL DISTRICT
1717 S. Eleventh Street
Los Banos, California 93635

RESOLUTION #40-19

It is RESOLVED, that warrants shall be honored by the County Superintendent of Schools and the County Auditor with authorization by 1 signature on the warrant register. Said signatures have been delegated by the Governing Board to be the Superintendent, Assistant Superintendent of Human Resources, Assistant Superintendent of Elementary Education, Chief Academic Officer, Assistant Superintendent of Administrative Services and the Director of Fiscal Services to sign in its name. (Education Code 42362)

Signatures of authorized personnel to sign orders on the funds of this district in the name of the Board of Trustees: (Education Code 42363)

<u>Mark Marshall</u>	_____
<u>Tammie Calzadillas</u>	_____
<u>Alejandra Garibay</u>	_____
<u>Amer Iqbal</u>	_____
<u>Paula Mastrangelo</u>	_____
<u>C Sean Richey</u>	_____

IN WITNESS WHEREOF, we the Governing Board of the Los Banos Unified School District of Merced County do hereby adopt this resolution at a regular meeting of said Board the 10th day of October 2019.

The foregoing is signatures are hereby verified.

Ayes _____

Noes _____

Absent _____

Abstain _____

Secretary, Board of Education
Los Banos Unified School District

Board Reference Material

SUBJECT TITLE: Authorized Signatures

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve the Dr. Mark Marshall, Ed.D., Superintendent, Amer Iqbal, Assistant Superintendent of Administrative Services, Tammie Calzadillas, Ed.D. Assistant Superintendent of Human Resources, Paula Mastrangelo Assistant Superintendent of Elementary Education, Charles Sean Richey, Ed.D. Chief Academic Officer and Alejandra Garibay, Director of Fiscal Services as authorized signatures for District Revolving Funds, Clearing Account and Children's Welfare Fund.

BACKGROUND INFORMATION:

This action is necessary to update District bank accounts.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None.

SPECIFIC FINANCIAL IMPACT (Include impact on School District Facilities):

None.

ORIGINATOR: Amer Iqbal, Assistant Superintendent, Administrative Services
Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: **Mandated Policy Changes/Updates-First Reading**

REQUESTED ACTION: Declare Intent to Adopt

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board declare its intent to adopt the following mandated updates:

AR 3320	Claims and Actions Against the District; Business and Noninstructional Operations
AR 3551	Food Service Operations/Cafeter; Business and Noninstructional Operations
AR 4117.7-4317.7	Employment Status Reports; Personnel
BP 4218	Dismissal/Suspension/Disciplinary Action; Personnel
AR4218	Dismissal/Suspension/Disciplinary Action; Personnel
AR 5136	Gangs; Students
BP 5141.52	Suicide Prevention; Students
AR 6145.2	Athletic Competition; Instruction
BB 9220	Governing Board Elections; Board Bylaws
BB 9321	Closed Session; Board Bylaws
E 9321	Closed Session; Board Bylaws

BACKGROUND INFORMATION:

These Board Policies, Administrative Regulations and have been updated to meet current legal and state mandated requirements. The changes are mandated by law and the District must take action to update these policies.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This activity is operational in nature, and does support a specific Board Goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

Mandated policies must be acted upon; optional policies are recommended, but are adopted at the discretion of the Board.

SPECIFIC FINANCIAL IMPACT:

None.

ORIGINATOR: Dr. Mark Marshall, Superintendent

DATE: October 10, 2019

Los Banos USD

Administrative Regulation

Claims And Actions Against The District

AR 3320

Business and Noninstructional Operations

Unless otherwise provided by law, prior to filing a lawsuit against the district for money or damages, a written claim shall be filed in accordance with the following administrative regulation.

Time Limitations

The following time limitations apply to claims against the district:

1. ~~Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board no later than six months after the accrual of the cause of action.~~ **childhood sexual abuse or any other cause of action specifically excepted from the Government Claims Act by Government Code 905 and for which a statute or regulation provides a claims presentation procedure shall be filed in accordance with the applicable governing statute or regulation. (Government Code 905, 911.2935)**
2. ~~(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)~~
3. ~~(cf. 5141.4 - Child Abuse Prevention and Reporting)~~
2. ~~Claims for money or damages as authorized in~~ **In accordance with the Governing Board's authority pursuant to Government Code 935, claims for money or damages which relate to any cause of action specifically excepted from the Government Claims Act by Government Code 905 and not included in paragraph #1 above shall be filed not later than one year after the accrual of which are not governed by any other claims presentation statute or regulation shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2935)**
3. ~~Claims for money or damages specifically excepted from Government Code 905 shall be filed relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)~~
4. **Claims for money or damages relating to any other cause of action shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.2)**

Receipt of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed

presented and received when delivered to the district office or deposited in a post office, mailbox, sub-post office, substation, mail chute, or other similar facility maintained by the U.S. government, in a sealed envelope properly addressed to the district office with postage paid, or when otherwise actually received in the district office or by the Board secretary or clerk. (Government Code 915, 915.2)

Upon receipt of a claim against the district pursuant to the Government Claims Act, the Superintendent or designee shall promptly provide written notice to the district's joint powers authority or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information as specified in Government Code 910 and 910.2:

1. The name and post office address of the claimant
2. The post office address to which the person presenting the claim desires notices to be sent
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim
5. The name(s) of the district employee(s) causing the injury, damage, or loss, if known
6. The amount claimed if it totals less than \$10,000, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a limited civil case of \$25,000 or less.
7. The signature of the claimant or the person acting on the claimant's behalf

Notice of Claim Insufficiency

If a claim is found insufficient or not to satisfy the form requirements under Government Code 910 and 910.2, the Board or its designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim. (Government Code 910.8, 915.4)

The Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendment to Claims

Within the time limits provided in the section "Time Limitations" above or prior to final action by the Board, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Late Claims

For ~~C~~claims under paragraphs ~~items #1 #2 and #3 above which are filed in the section "Time Limitations" above,~~ any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, must be accompanied by an application to file present a late claim. Such claim and application to file present a late claim must be filed shall be presented not later than one year after the accrual of the cause of action. (Government Code 905, 911.4)

If a ~~the~~ claim under paragraphs ~~#1 or #3 is filed~~ is presented late and is not accompanied by the application to present a late claim, the Board or Superintendent shall ~~its designee may,~~ within 45 days, give written notice that the claim was not filed presented timely and that it is being returned without further action. ~~The notice shall be in the form set forth in Exhibit A.~~ (Government Code 911.3)

~~The application to file a late claim shall state the reason for the delay. The Board shall grant or deny the application to present a late claim within 45 days after it is presented. By mutual agreement of the claimant and the Board, This 45-day period may be extended by written agreement made before the expiration of such period. of the claimant and the Board provided that such agreement is made before the expiration of the 45-day period. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)~~

~~If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Exhibit B. (Government Code 911.3, 911.4, 911.6, 911.8, 912.2, 935)~~

Delivery and Form of Claim

~~A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to the district office with postage paid. (Government Code 915, 915.2)~~

~~Claims may be submitted on the district claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Code 910, 910.2, 910.4)~~

~~Notice of Claim Insufficiency~~

~~The Superintendent or designee shall review all claims for sufficiency of information. The Superintendent or designee may, within 20 days of receipt of claim, either personally deliver or mail to claimant a notice as set forth in Exhibit C stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least 15 days after such notice is sent. (Government Code 910.8, 915.4)~~

~~Amendments to Claim~~

~~Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.~~

The Board shall grant the application to present a late claim where one or more of the following conditions are applicable: (Government Code 911.6)

- 1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the district was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.**
- 2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.**
- 3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason the person failed to present the claim.**
- 4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.**

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code 911.8. (Government Code 911.8)

If the Board does not take action on the application to present a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless the time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

~~Action on Claim~~

~~Within 45 days after the presentation or amendment of a claim, the Board (or Superintendent, if delegated this authority) shall take action on the claim. (Government Code 912.4) This time~~

limit may be extended by written agreement **between the district and the claimant** before the expiration of the 45-day period. ~~or before legal action is commenced or barred by legal limitations. (Government Code 912.4) The Superintendent or designee shall transmit to the claimant a notice of action taken. The notice shall be in the form set forth in Exhibit D. (Government Code 913)~~

~~If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code 913. (Government Code 945.6)~~

If the 45-day period has expired, the time limit may be extended if legal action has not commenced or been barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.4, 912.6)

- 1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.**
- 2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.**
- 3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.**
- 4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.**
- 5. If the Board takes no action on the claim, the claim shall be deemed rejected.**

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Board or its designee shall transmit to the claimant written notice of action taken or of inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

Roster of Public Agencies

~~The Superintendent or designee shall annually verify that all information regarding the school district and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the~~

~~school district, the mailing address of the Board, and the names and addresses of the Board-presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)~~

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
approved: December 12, 1996 Los Banos, California
revised: **October 10, 2019**

***PLEASE NOTE ITALIC AND HIGHLIGHTED SECTIONS
BELOW***

Los Banos USD

Administrative Regulation

Food Service Operations/Cafeteria Fund

AR 3551

Business and Noninstructional Operations

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, and shall open a new account as appropriate for a student whose account appears to have been misused.

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

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

Unpaid and Delinquent Meal Charges

No later than 10 days after a student's school meal account has reached a negative balance, the Superintendent or designee shall so notify the student's parent/guardian. Before sending this notification, the district shall exhaust all options and methods to directly certify the student for free or reduced-price meals. If the district is not able to directly certify the student, the notice to the parent/guardian shall include a paper copy of, or an electronic link to, an application for free or reduced-price meals and the Superintendent or designee shall contact the parent/guardian to encourage submission of the application. (Education Code 49557.5)

The district may attempt to collect unpaid school meal fees from a parent/guardian, but shall not use a debt collector. (Education Code 49557.5)

Note: The following **optional** paragraph *reflects CDE guidance* in its Nutrition Services Division Management Bulletin SNP-03-2017.

The Superintendent or designee may enter into an agreement with a student's parent/guardian for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district shall not direct any action toward a student to collect unpaid school meal fees. (Education Code 49557.5)

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has

become an operating loss.

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to CDE using the online Child Nutrition Information and Payment System.

Donation of Leftover Food

To minimize waste and reduce food insecurity, the district may provide sharing tables where students and staff may return appropriate unused cafeteria food items to be made available to students during the course of a regular school meal time. If food on the sharing tables is not taken by a student, the school cafeteria may donate the food to a food bank or any other nonprofit charitable organization. (Health and Safety Code 114079)

(cf. 3510 - Green School Operations)

Food that may be donated includes prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, unopened bags of sliced fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below, and perishable prepackaged food if it is placed in a proper temperature-controlled environment. The preparation, safety, and donation of food shall be consistent with Health and Safety Code 113980. (Health and Safety Code 114079)

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38093)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII, and the California School Accounting Manual.

****Note: The following optional paragraph is for use by districts that choose to **provide universal breakfast (free of charge to all students)** at one or more schools. Pursuant to Education Code 49550.5, as added by AB 3043, districts may use cafeteria funds to supplement the cost of providing universal breakfast provided they submit the required certification to CDE. The requirement to submit certification does not apply to any district that provides universal breakfast pursuant to a federally authorized provision (e.g., Provision 1, 2, or 3 or the*

Community Eligibility Provision of the National School Lunch Act). ***

With CDE approval, the district may use cafeteria funds to supplement the provision of universal breakfast. On or before July 1 of each year, the district shall submit to CDE a Board-signed application certifying that breakfast will be provided to all students at no charge and that any cost above the amount provided in federal reimbursement will be covered by the district with nonfederal funds. (Education Code 49550.5)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate as approved by CDE or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (7 CFR 210.14, 220.7)

U.S. Department of Agriculture Foods

The district shall provide facilities for the storage and control of foods received through the U.S. Department of Agriculture (USDA) that protect against theft, spoilage, damage, or other loss. Such storage facilities shall maintain donated foods in sanitary conditions, at the proper temperature and humidity, and with adequate air circulation. The district shall comply with all federal, state, or local requirements related to food safety and health and procedures for responding to a food recall, as applicable, and shall obtain all required health inspections. (7 CFR 250.14)

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

***Note: The following **optional** section is for use by districts that contract *for food service management services* pursuant to Education Code 49554, 42 USC 1758, or 7 CFR 210.16 or

consulting services pursuant to Education Code 45103.5, and should be modified to reflect the type(s) of contracts the district maintains; see the accompanying Board policy.***

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

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

(cf. 4212 - Appointments and Conditions of Employment)

Regulation **LOS BANOS UNIFIED SCHOOL DISTRICT**
Adopted: **October 10, 2019**

Los Banos USD

Administrative Regulation

Employment Status Reports

AR 4117.7 4317.7

Personnel

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.6 - Decision Not to Rehire)

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

2. Resigns

(cf. 4117.2/4217.2/4317.2 - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.3 - Personnel Reduction)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or

pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

The notice to CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct

c. A summary of all information known to the district regarding the alleged sexual misconduct

d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

(cf. 1312.1 - Complaints Concerning District Employees)

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

(cf. 5145.7 - Sexual Harassment)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - Student Records)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)

4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense, definitions

44011 Controlled substance offense, definitions

44030.5 Employment status reports

44225 Powers and duties of CTC

44242.5 Reports and review of alleged misconduct

44420-44440 Adverse actions by CTC against credential holder

44932 Causes for dismissal

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence

44955-44958 Reduction in force

PENAL CODE

187 Murder

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel,
2019

WEB SITES

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

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

Regulation **LOS BANOS UNIFIED SCHOOL DISTRICT**
Adopted: **October 10, 2019**

Los Banos USD

Board Policy

Dismissal/Suspension/Disciplinary Action

BP 4218

Personnel

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

(cf. 4216 - Probationary/Permanent Status)

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Disciplinary Proceedings

If a permanent classified employee receives a notice from the Superintendent or designee of a

recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)

(cf. 3515.3 - District Police/Security Department)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

(cf. 9321 - Closed Session)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

Following the hearing, the Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the

Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Legal Reference:

EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44031 Personnel file

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security

44990-44994 Testimony of minor witnesses at dismissal or suspension hearings

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

45124 Dismissal of sexual psychopath

45202 Transfer of accumulated sick leave and other benefits following dismissal

45240-45320 Merit system, classified employees

CODE OF CIVIL PROCEDURE

1286.2 Grounds for vacating decision of arbitrator

GOVERNMENT CODE

11500-11529 Administrative adjudication

12900-12996 Fair Employment and Housing Act

54957 Brown Act open meeting laws; closed session

HEALTH AND SAFETY CODE

11054 Schedule I; substances included

11055 Schedule II, substances included

11056 Schedule III, substances included

11357-11361 Marijuana

11363 Peyote

11364 Opium

11370.1 Possession of controlled substances with a firearm

PENAL CODE

187 Murder

667.5 Sex offenders

830.32 Peace officers employed by district

1192.7 Violent or serious felony

11165.2-11165.6 Child abuse or neglect, definitions

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

California School Employees Association v. Bonita Unified School District, (2008) No. B200141

California School Employees v. Livingston Union School District, (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District, (1975) 52 Cal.App. 3rd 150, 155-156, 124 Cal. Rptr 830

Regulation **LOS BANOS UNIFIED SCHOOL DISTRICT**

Adopted: **October 10, 2019**

Los Banos USD

Administrative Regulation

Dismissal/Suspension/Disciplinary Action

AR 4218
Personnel

Termination of Probationary Employment Causes for Disciplinary Action

~~At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.~~

~~Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees~~

~~Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.~~

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Causes

~~———— In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:~~

~~———— a. ——— Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.~~

~~———— b. ——— Incompetency~~

~~———— c. ——— Inefficiency~~

~~———— d. ——— Neglect of duty~~

~~———— e. ——— Insubordination~~

~~———— f. ——— Dishonesty~~

~~———— g. ——— Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with~~

him/her.

(cf. 4020 ~~Drug and Alcohol Free Workplace~~)

- ~~h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.~~
- ~~i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.~~
- ~~j. Absence without leave~~
- ~~k. Immoral conduct~~
- ~~l. Discourteous treatment of the public, students, or other employees~~
- ~~m. Improper political activity~~
- ~~n. Willful disobedience~~
- ~~o. Misuse of district property~~
- ~~p. Violation of district, Board or departmental rule, policy, or procedure~~
- ~~q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.~~
- ~~r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.~~
- ~~s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.~~
- ~~t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.~~
- ~~u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.~~

~~v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.~~

~~Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.~~

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6

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

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)

3. Unlawful discrimination, including harassment, against any student or other employee

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure

5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records

6. Unsatisfactory performance

7. Unprofessional conduct

8. Dishonesty

9. Neglect of duty or absence without leave

10. Insubordination

11. Use of alcohol or a controlled substance while on duty or in such close time

proximity thereto as to affect the employee's performance

(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
(cf. 4159/4259/4359 - Employee Assistance Program)

12. Destruction or misuse of district property

(cf. 4040 - Employee Use of Technology)

13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4212 - Appointment and Conditions of Employment)

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)

15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)

17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 5145.2 - Freedom of Speech/Expression)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

(cf. 4216 - Probationary/Permanent Status)

2. Initiation and Notification of Charges

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a **any** written recommendation for a **disciplinary** of personnel action with the **Governing** Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The recommendation notice shall include:

- a. ~~— A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).~~
- b. ~~— A statement of the cause or causes for the personnel action, as set forth above.~~
- c. ~~— A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.~~
- d. ~~— A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.~~
- e. ~~— A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.~~
in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

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

3. ~~Employment Status Pending Appeal or Waiver~~

~~— Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.~~

~~If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.~~

Request for Hearing

4. Time Limit of Suspension

~~— Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.~~

5. Right to Appeal

~~— Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.~~

~~— If the employee fails to file a notice of appeal within the time specified in these rules,~~

~~he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.~~

~~6. Amended/Supplemental Charges~~

~~At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.~~

~~If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.~~

~~7. Hearing Procedures~~

~~a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.~~

~~b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.~~

~~c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:~~

~~(1) Adopt the proposed decision in its entirety~~

~~(2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.~~

~~———— (3) ———— Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.~~

~~———— (4) ———— Reject the proposed decision in its entirety~~

~~d. ———— If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.~~

~~e. ———— In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.~~

~~8. ———— Hearing Decision~~

~~The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.~~

~~———— The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.~~

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Hearing

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

9. ~~Compulsory Dismissal~~ Leave of Absence

~~The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the district may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)~~

~~The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.~~

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within

30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

Legal Reference:

~~EDUCATION CODE~~

~~35161—Delegation of powers and duties~~

~~44009—Conviction of specified crimes~~

~~44010—Sex offense~~

~~44011—"Controlled substance offense" defined~~

~~44940—Leave of absence; employee charged with mandatory or optional leave of absence offense~~

~~44940.5—Compulsory leave of absence; procedures; extension; compensation; bond or security; reports~~

~~45101—Definitions (including "disciplinary action," "cause")~~

~~45109—Fixing of duties~~

~~45113—Rules and regulations for classified service in districts not incorporating the merit system~~

~~45123—Employment after conviction of sex or narcotics offense~~

~~45302—Demotion and removal from permanent classified service~~

~~45303—Additional cause for suspension or dismissal of employees in classified service~~

~~45304—Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense~~

~~VEHICLE CODE~~

~~1808.8—Schoolbus drivers; dismissal for safety related cause~~

~~UNITED STATES CODE, TITLE 42~~

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

~~COURT DECISIONS~~

~~California School Employees v. Livingston Union School District, (2007) 149 Cal. App. 4th 391~~

~~CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr. 830 (1975) ("Conduct unbecoming an employee" too vague)~~

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
approved: September 11, 2014 Los Banos, California
revised: **October 10, 2019**

Los Banos USD

Administrative Regulation

Gangs

AR 5136
Students

~~Cautionary Notice: As added and amended by SBX3-4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4-2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Los Banos Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.~~

Prevention, Intervention, and Suppression Measures

~~In accordance with Governing Board policy, individual schools that have a gang presence may, in their safety plans, include schoolwide dress codes which prohibit the presence of gang-related apparel at school or school activities. Schoolwide dress codes shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.~~

~~Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.~~

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

The Superintendent or designee shall become informed of the gang history in the district and community, conduct assessments of current gang activity at the school sites, and document and follow up on gang-related incidents.

Prevention and Intervention Measures

In order to discourage the influence of gangs, school staff shall take the following measures: the following measures shall be implemented:

1. Any student ~~displaying suspected of gang affiliation based on the display of~~ behavior, gestures, apparel or paraphernalia ~~indicative of gang affiliation~~ shall be referred to the principal or designee, **and the following actions taken, as appropriate:**

a. The student's parent/guardian shall be contacted and may be asked to meet with school staff

in order to proactively address the concern and be included as part of the solution.

b. The student may be sent home to change clothes if necessary.

(cf. 5132 - Dress and Grooming)

~~e. Staff members shall be provided with the names of known gang members.~~

c. The student's behaviors and progress in school shall be documented, including attendance and grades.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.11 - Attendance Supervision)

(cf. 5113.12 - District School Attendance Review Board)

(cf. 6164.2 - Guidance/Counseling Services)

~~d. Students who seek help in rejecting gang associations may be referred to community-based gang suppression and prevention organizations.~~

d. Intervention techniques such as mentoring, academic support, and a system of wraparound support service shall be implemented to help the student disengage from gang involvement.

~~e. The student will be disciplined in accordance to school site rules.~~

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

e. Consistent and graduated discipline and accountability shall be implemented when appropriate and combined with positive support using conflict-resolution strategies and other restorative justice practices demonstrated to be effective with gang-involved youth.

f. Students shall be offered help in rejecting gang associations, including possible referral to community-based gang suppression and prevention organizations.

g. Law enforcement shall be notified if the student is suspected of being involved in gangs.

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

2. Any gang graffiti on school premises shall be removed, washed down or painted over as soon as discovered. Graffiti shall be documented and photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders. This information can also be used to determine whether a threat or incident is imminent.

(cf. 3515 - Campus Security)

(cf. 5131.5 - Vandalism and Graffiti)

~~a. Daily checks for graffiti shall be made throughout the campus.~~

~~b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.~~

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

3. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. ~~These programs shall also:~~ **may include gang prevention lessons that are taught jointly by teachers, counselors, law enforcement, and/or other organizations that are knowledgeable about gang prevention and shall:**

a. Provide social and emotional learning designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities

~~a. Explain the dangers of gang membership~~

~~b. Provide counseling for targeted at-risk students~~

b. Explain the dangers of gang membership

~~e. Include lessons or role-playing workshops in nonviolent conflict resolution and gang-avoidance skills~~

c. Provide counseling for targeted at-risk students

~~d. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang~~

d. Include lessons or role-playing workshops in gang avoidance skills and nonviolent conflict resolution, including communication skills, anti-bullying, anger management, acceptance, and mediation skills

~~(cf. 5131.2 - Bullying)~~

~~e. Provide school-to-career instruction~~

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

~~(cf. 6030—Integrated Academic and Vocational Instruction)~~

Gang prevention lessons may be taught jointly by teachers and law enforcement staff.

e. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang

- f. **Provide school-to-career instruction**
- g. **Provide positive interaction with local law enforcement**

(cf. 5137 - Positive School Climate)

4. Staff shall actively promote membership in authorized **school clubs and student organizations, sports and cultural activities and affiliations with the local community, and community service projects** which can provide students companionship, safety, and a sense of purpose and belonging. ~~including:~~

(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

- ~~a. Positive sports and cultural activities and affiliations with the local community~~
- ~~b. Structured, goal-oriented community service projects~~

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

Parent/Guardian and Community Outreach

~~Gang~~ **The Superintendent or designee may offer gang prevention classes or counseling offered for parents/guardians shall which may address the following topics:**

- 1. ~~The dangers of gang membership~~ **The reasons students join gangs**
- 2. ~~Warning signs which may indicate that children are at risk of becoming involved with gangs~~ **The dangers and consequences of gang membership**
- 3. ~~The nature of local gang apparel and graffiti~~ **Warning signs which may indicate that students are at risk of becoming involved with gangs, including the use of social media for gang communication and promotion**
- 4. ~~Effective parenting techniques~~

~~Community programs shall address:~~

- ~~1. The scope and nature of local gang problems~~
- ~~2. Strategies by which each segment of the community may alleviate gang problems~~ **The nature of local gang apparel and graffiti**
- 5. **Effective parenting techniques and planning family time**

6. Conflict resolution techniques

In addition, the Superintendent or designee may offer community programs that address the scope and nature of local gang problems and strategies by which each segment of the community may alleviate gang problems.

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
approved: May 8, 1997 Los Banos, California
revised: October 10, 2019

Los Banos USD

Board Policy

Suicide Prevention

BP 5141.52

Students

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, suicide prevention experts, local health agencies, mental health professionals, and community organizations.

(cf. 1220 - Citizen Advisory Committees)

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

Such measures and strategies shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: Items #2-7 below reflect **optional** strategies for suicide prevention, intervention, and postvention and may be revised to reflect district practice.

2. *Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others*

(cf. 6142.8 - Comprehensive Health Education)

3. *Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students*

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

4. *The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis*

5. *Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions*

6. *Crisis intervention procedures for addressing suicide threats or attempts*

7. *Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide*

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years.
(Education Code 215)

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

32280-32289 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Children's Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012

Preventing Suicide: A Toolkit for High Schools, 2012

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <http://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <http://www.schoolcounselor.org>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Health Care Services, Suicide Prevention Program:

<http://www.dhcs.ca.gov/services/MH/Pages/SuicidePrevention.aspx>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <http://www.nasponline.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Trevor Project: <http://thetrevorproject.org>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services

Administration: <http://www.samhsa.gov>

Regulation **LOS BANOS UNIFIED SCHOOL DISTRICT**

Adopted: **October 10, 2019**

Los Banos USD

Administrative Regulation

Athletic Competition

AR 6145.2
Instruction

Nondiscrimination and Equivalent Opportunities in the Athletic Program

~~No person student shall be excluded from participation in, on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability 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, **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 where 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 the student's gender identity, irrespective of the gender listed on the student's records, for which the student is otherwise eligible to participate. (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 for 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)**

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

1. Whether the **offered** selection of sports and levels of competition ~~offered~~ 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 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)

~~In order to help ensure that the district's athletic program effectively accommodates the interests and abilities of both sexes in athletics within the meaning of 5 CCR 4922, the district shall use the following criteria: (Education Code 230)~~

~~1. Whether the interscholastic level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments~~

~~2. When the members of one sex have been and are underrepresented among interscholastic athletes, whether the district can show a history and continuing practice of program expansion that is demonstrably responsive to the developing interest and abilities of the members of that sex~~

~~3. When 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 #2 above, whether the district can demonstrate that the interest and abilities of the members of that sex have been fully and effectively accommodated by the present program~~

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)

Parental Notifications

~~Before a student participates in interscholastic athletic activities, the Superintendent or designee shall 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)
(cf. 5145.3—Nondiscrimination/Harassment)~~

~~2. — 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 its commitment to provide for every participant's health and welfare.~~

~~(cf. 3530—Risk Management/Insurance)
(cf. 5143—Insurance)~~

~~3. — Requests parental permission for the student to participate in the program and, if appropriate, be transported by the school to and from competitions.~~

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

~~4. — States the Governing Board's expectation that students adhere strictly to all safety rules, regulations and instructions, as well as rules and guidelines related to conduct and sportsmanship and eligibility requirements.~~

~~5. — Includes a copy of the local California Interscholastic Federation league rules.~~

~~6. — Parents and student athletes are expected to sign and return a document acknowledging their acceptance of items 1 through 5, outlined above.~~

Pursuing Victory with Honor

~~To reinforce the core principles outlined in the California Interscholastic Federation (C.I.F.), publication, "Pursuing Victory with Honor," posters outlining the core principles of trustworthiness, respect, responsibility, fairness, caring and citizenship will be prominently displayed in two locations in all locker rooms.~~

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, the student 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 the student 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 student sustained a concussion or a head injury, the student 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 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 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, the student 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 the student 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 Notifications

Note: The following **optional** section lists notices that the district may send to students participating in interscholastic athletics and their parents/guardians. This section should be revised to reflect district practice.

Before students participate in practice or competition as part of interscholastic athletic activities, the Superintendent or designee shall, in addition to providing the students and their parents/guardians with the notices described above, send a notice to the students and their 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, to 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 the student's parent/guardian to sign a statement that the student will not use steroids, unless prescribed by a licensed health care practitioner, and will not use prohibited dietary supplements that include substances banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

9. Includes the opioid fact sheet published by the Centers for Disease Control and Prevention in accordance with Education Code 49476. The district shall provide this fact sheet annually to each student athlete and shall require the student and the student's parent/guardian to sign a document acknowledging receipt of the fact sheet.

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
adopted: April 13, 2006 Los Banos, California
revised: October 10, 2019

Los Banos USD

Board Bylaw

Governing Board Elections

BB 9220

Board Bylaws

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

The following paragraph is optional. See CSBA's web site for information about school board service that may be shared with candidates

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide all candidates with information that will enable them to understand the responsibilities and expectations of being a Board member, including information regarding available workshops, seminars, and/or training. The Superintendent or designee shall provide all candidates with the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

(cf. 9230 - Orientation)

(cf. 9240 - Board Training)

Consolidation of Elections

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. ~~Board election procedures shall be conducted~~ in accordance with state and federal law **Elections Code 1302.**

In addition, if a regularly scheduled Board election held other than on a statewide election

date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections. The district shall move its election to the next state statewide election date, unless the Board has adopted a plan by January 1, 2018 to consolidate Board elections not later than the November 8, 2022 statewide general election. (Elections Code 14051, 14052)

In order to consolidate elections based on either circumstance described above, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

(cf. 9110 - Terms of Office)

~~Electing Board Members~~ **Elections Process and Procedures**

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

(cf. 9320 - Meetings and Notices)

Campaign Conduct

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign donations, funding, and expenditures.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

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

(cf. 9005 - Governance Standards)

Statement of Qualifications

~~The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.~~

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

The district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the hard copy and/or electronic voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference:

EDUCATION CODE

~~1000 Composition, and trustee area, county board of education~~

1006 Qualifications for holding office, county board of education

5000-5033 Elections

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice
5380 Compensation (of election officer)
5390 Qualifications of voters
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions
7054 Use of district property
35107 Eligibility; school district employees
35177 Campaign expenditures or contributions
35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004~~8~~ Elections conducted wholly by mail
10010 District boundaries
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13308 Candidate's statement contents
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
14050-14057 California Voter Participation Rights Act
20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act

PENAL CODE

68 Bribes
74 Acceptance of gratuity
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42~~52~~

~~1973-1973aa-6~~ **10301-10508** Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District, (2012) ~~138~~ **203** Cal. Rptr. 3d ~~192~~ **App. 4th 1223**

Randall v. Sorrell, (2006) 126 S.Ct. 2479

Sanchez v. City of Modesto, (2006) ~~51~~ **145** Cal. Rptr. 3d ~~821~~ **App. 4th 660**

Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

WEB SITES

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

California Secretary of State's Office: <http://www.sOs.ca.gov>

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

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

Bylaw LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: December 11, 1997 Los Banos, California

revised: August 8, 2013

revised: **October 10, 2019**

PLEASE NOTE YELLOW HIGHLIGHTED BELOW

Los Banos USD

Board Bylaw ~~Closed Session Purposes And Agendas~~

BB 9321

Board Bylaws

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

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

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

~~The Board shall disclose in open session~~ **In the open session preceding the closed session, the Board shall disclose** the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. **(Government Code 54957.7)**

After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall **publicly** disclose any action taken in the closed session, ~~in the manner prescribed by Government Code 54957.1.~~ **the votes or abstentions thereon, and other disclosures specified below that are applicable to the matter being addressed. Such reports may be made in writing or orally at the location announced in the agenda for the closed session.** (Education Code 32281; Government Code 54957.1, 54957.7)

~~(cf. 9321.1 - Closed Session Actions and Reports)~~

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

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next

business day or when the necessary retyping is completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

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

(cf. 1340 - Access to District Records)

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

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

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

(cf. 1340 - Access to District Records)

Personnel Matters

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

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

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

(Government Code 54957)

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

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

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

After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a district employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 4117.7/4317.7 - Employment Status Reports)

Negotiations/Collective Bargaining

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

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

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

The Board may meet in closed session, **prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees**, to review the Board's position and/or instruct its designated representative(s) regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and

unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. **Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session.** (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

~~For represented employees, †~~The Board may also meet in closed session **with a state conciliator who has intervened in proceedings** regarding any of the purposes enumerated in ~~other matter within the statutorily provided scope of representation.~~ (Government Code 54957.6)

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

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

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

Approval of an agreement regarding labor negotiations with represented employees pursuant to Government Code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information, †the Board shall meet in closed session to consider a **suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record** ~~the expulsion of~~

~~a student, unless the student submits~~ **If a written request for open session is received from the parent/guardian or adult student, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Education Code 35146, 48912, 49070)** ~~at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)~~

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

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

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

~~(cf. 5119 - Students Expelled from Other Districts)~~

~~(cf. 5125.3 - Challenging Student Records)~~

~~(cf. 5144 - Discipline)~~

~~The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)~~ **to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)**

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

~~(cf. 5119 - Students Expelled from Other Districts)~~

~~(cf. 5125.3 - Challenging Student Records)~~

~~(cf. 5144 - Discipline)~~

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

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

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

Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)

(cf. 5125 - Student Records)

*****Note: Although Education Code 48918 states that student expulsion records are "nonprivileged, disclosable public records" and the Attorney General (80 Ops.Cal.Atty.Gen. 85 (1997)) has opined that districts must disclose the student's name, the court in Rim of the World Unified School District v. San Bernardino County Superior Court held that the federal Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) preempts state law and prohibits the disclosure of student expulsion records to the public. Failure to comply with FERPA may lead to loss of federal funding. Because of the potential conflict between state and federal law, **it is recommended that districts consult legal counsel prior to adopting the following paragraph.*******

However, in taking final action, the Board shall not release any information in violation of student privacy rights provided in 20 USC 1232g or other applicable laws. In an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.

Security Matters

The Board may meet in closed session with the **Governor**, Attorney General, district attorney, **district legal counsel**, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. **Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, (Government Code 54957)**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 9323.2 - Actions by the Board)

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

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

~~members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5) on the~~
development of a plan for tactical responses to criminal incidents and to approve the plan. Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the district's plan for tactical responses. (Education Code 32281)

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

~~Conference with Real Property Negotiators~~

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

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation, and ~~to specify the person(s) with whom the negotiator may negotiate.~~ **For purposes of real property transactions, negotiators may include members of the Board.** (Government Code 54956.8)

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

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

When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or

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

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

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9~~(a)~~ **d)(1)**)
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9~~(b)~~ **d)(2), (3)**)

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

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

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

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat ~~on his/her~~ **of litigation on the victim's** behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.

3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(e) ~~d~~(4))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a) ~~d~~(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

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

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

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) ~~d~~(2) or (3) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(e) ~~d~~(4) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)

- 1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.**
- 2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.**
- 3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.**

If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the district shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final.

(Government Code 54957.1)

Joint Powers Agency Issues

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

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

(cf. 3530 - Risk Management/Insurance)

Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

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

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

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

Review of Audit Report from Bureau of State Audits

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

Closed session agenda items related to an audit by the ~~Bureau of State Audits~~ **California State**

Auditor's Office, shall state "Audit by ~~Bureau of State Audits~~ **California State Auditor's Office.**" (Government Code 54954.5)

*****Note: Government Code 54956.75 does not specify reporting requirements for closed sessions related to the review of the audit report from the State Auditor. The following optional paragraph reflects the purpose of the closed session.*****

Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.

Review of Assessment Instruments

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

(cf. 6162.51 - ~~Student Assessment~~ **State Academic Achievement Tests**)

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

*****Note: Education Code 60617 does not specify reporting requirements for closed sessions related to the review of student assessment instruments. The following optional paragraph reflects the purpose of the closed session.*****

Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35145 Public meetings

35146 Closed session (~~re student suspension~~) **32281 School safety plans**

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension **of student**

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

49073-49079 Privacy of student records

60617 ~~Meetings of governing board~~ **Closed session (re review of contents of statewide assessment)**

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION

Article 1, Section 3 Public right to access information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Moreno v. City of King, (2005) 127 Cal.App.4th 17

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

Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393

Bell v. Vista Unified School District, (2004) 82 Cal.App. 4th 672

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

Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d

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

Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

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

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)

86 Ops.Cal.Atty.Gen. 2110 (20036)

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

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

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

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009**14**

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2002**3**

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

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

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

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

Bylaw LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: December 11, 1997 Los Banos, California

revised: March 14, 2013

revised: October 10, 2019

Los Banos USD

Exhibit

Closed Session

E 9321

Board Bylaws

Exhibit 1

BOARD MEETING AGENDA DESCRIPTIONS FOR CLOSED SESSION ITEMS

The Governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

PUBLIC EMPLOYEE APPOINTMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYMENT

Government Code 54957

Title: _____
(Specify position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title: _____
(Specify position of employee being evaluated)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code 54957

(No additional information is required. An employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy.)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

Government Code 54957

(No additional information is required.)

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

Government Code 54957.10
(No additional information is required.)

Negotiations/Collective Bargaining

CONFERENCE WITH LABOR NEGOTIATORS
Government Code 54957.6

District-designated representatives:

(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization:

(Specify name of employee organization with which negotiations are being held.)

or

Unrepresented employee:

(Specify position of unrepresented employee who is the subject of the negotiations.)

Matters Related to Students

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION
Education Code 35146
Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

STUDENT EXPULSION
Education Code 48912
Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

STUDENT GRADE CHANGE APPEAL
Education Code 49070
Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

CONFIDENTIAL STUDENT MATTER

Action under consideration:

(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

Student identification number:

(It is recommended that the student's name not be listed. The district may use other means to identify the student for record-keeping purposes.)

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code 54957

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

Education Code 32281

Consultation with: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title, with whom the Board will consult.)

Real Property Negotiations

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code 54956.8

Property: _____
(Specify street address or, if no street address, the parcel number or other unique reference of the real property under negotiation.)

District negotiator:

(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: _____

(Specify name of party, not agent.)

Under negotiation: _____
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

Pending Litigation

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Government Code 54956.9(d)(1)

Name of case: _____
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Government Code 54956.9(d)(2) or (3)

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) or (3). Number of potential cases: _____

Or

Initiation of litigation pursuant to Government Code 54956.9(d)(4). Number of potential cases: _____

If applicable, facts and circumstances: _____
(The district may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(e)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the district and that are known to potential plaintiff(s).)

Joint Powers Authority Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY
Government Code 54956.95

Name of claimant(s): _____
(Specify name, except pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)

Name of agency against which the claim is made: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH
DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT
Government Code 54956.96

Name of JPA: _____

Discussion will concern:

(Specify closed session description used by the JPA.)

Name of district representative on JPA board:

Names of agencies or titles of representatives attending the closed session as consultants or other
representatives, if applicable: _____

Review of Audit from State Auditor's Office

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE
Government Code 54956.75
(No additional information is required.)

Review of Assessment Instruments

REVIEW OF STUDENT ASSESSMENT INSTRUMENT
Education Code 60617

The Board is reviewing the contents of an assessment instrument approved or adopted for the
statewide testing program. Education Code 60617 authorizes a closed session for this purpose in
order to maintain the confidentiality of the assessment under review.

Exhibit 2

CLOSED SESSION

REPORTS OF CLOSED SESSION ACTIONS

Following a closed session during any Governing Board meeting, the Board shall reconvene in
open session to present, orally or in writing, a report of any of the following actions taken during
the closed session, as applicable:

Personnel Matters

Title of position: _____

Action taken: _____
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board member votes/abstentions: _____

Negotiations/Collective Bargaining

Approval of final agreement with represented employees

Item approved: _____

Other party/parties to the negotiation: _____

Board member votes/abstentions: _____

Matters Related to Students

(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)

Security Matters

Action taken: _____
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)

Board member votes/abstentions: _____

Real Property Negotiations

Action taken: _____
(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)

Substance of the agreement: _____

Board member votes/abstentions: _____

Existing Litigation

Action taken related to existing litigation:

_____ (e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)

Adverse party/parties, if known: _____

Substance of the litigation: _____

Board member votes/abstentions: _____

Anticipated Litigation

Action taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.

(The report does not need to initially identify the action, defendants, or other details.)

Board member votes/abstentions: _____

Joint Powers Agency Issues

LIABILITY CLAIMS FOR INSURANCE-RELATED JOINT POWERS AGENCY

Name of claimant(s): _____

Name of agency against which the claim is made: _____

Substance of the claim: _____

Monetary settlement agreed upon by the claimant: _____

Board member votes/abstentions: _____

CONFERENCE INVOLVING INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

Name of JPA: _____

Action taken: _____

(Law does not include any specific disclosures to be reported.)

Board member votes/abstentions: _____

Review of Audit from State Auditor's Office

Action taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's Office and has prepared a response.

(No additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)

Review of Assessment Instruments

Action taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.

Exhibit LOS BANOS UNIFIED SCHOOL DISTRICT
Version: October 10, 2019 Los Banos California

LOS BANOS UNIFIED SCHOOL DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF EDUCATION
September 12, 2019

City Hall
Council Chamber

Mr. Parreira called the meeting to order at 5:45 P.M.

Call to Order

PRESENT: Ms. Benton, Mr. Castro, Mr. Martinez, Mr. Munoz, Mr. Parreira, Ms. Rodriguez, Ms. Smith. ABSENT: None

Roll Call

There was a study session presented by National Geographic Certified Educator and Teacher at Creekside Junior High, Kristin O'Dell

Study Session

A closed session was held. Student Discipline: Cases: #5518352 (Action). Leave Extension Request, classified employee (Section 54957) (Action). Public Employee: Discipline/Dismissal/Release/Reassignment (Section 54957) (No Action). Request for waiver from Physical Education graduation requirement, San Luis High School student # 5518917(Action). Conference with Labor Negotiator (Section 54957.6) Agency Negotiators: Tammie Calzadillas, Amer Iqbal, Mark Marshall, Paula Mastrangelo and Sean Richey; Employee Organization: CSEA/LBTA (No Action). Public Employee Performance Evaluation (Government Code section 54957) Discussion/No Action Title: District Superintendent.

Closed Session

The regular meeting was called to order at 7:05.

Open of Regular Meeting

The audience was led in the Pledge of Allegiance by Los Banos High School Representative to the Board, Lizbeth Espinoza.

Pledge of Allegiance

There was one correction to the agenda. Under Opening Business, Item D number 4, it should read, "Request for early graduation petition". The site and student number were correct.

On a motion by Member Smith and seconded by Member Munoz the Agenda was approved as corrected. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried

Approval of Agenda

Jeff De la Cruz, Government Teacher at Pacheco High School came forward and stated that he would have students in attendance at every meeting during the school year. They are required to attend one City Council Meeting and one School Board Meeting. He explained it gives them a firsthand view on how local government works.

Public Forum

Maria Nunez Bravo, parent from Lorena Falasco Elementary came forward and spoke about the need for a shade structure at the site as well as concerns about water and crossing guards. She was referred to Assistant Principal in charge of Elementary Education, Paula Mastrangelo

Student Representative to the Board from Los Banos High School, Lizbeth Espinoza was introduced.	Recognitions/ Introductions
Los Banos High School Student Representative to the Board, Lizbeth Espinoza, reported on the many activities at Pacheco and Los Banos High Schools.	Student Report
Jeff Miller, Co-President of LBTA gave an update on some current activities and trainings that teachers have been attending. He also stated that both LBTA and LBUSD were submitting their Sunshine Proposals. He said that they were looking forward to working with the District and reaching a mutually beneficial agreement. He spoke about the first series of Instructional Walk Throughs and the high caseloads of Speech and Language staff. He said that they were working closely with the Director of Special Education and CSEA President, Lisa Souza.	LBTA Report
No Report	CSEA Report
Dr. Marshall welcomed everyone back to the new school year. He congratulated Miano Elementary teacher, Sergio De Alba on receiving the Outstanding Earth Science Teacher Award. He spoke about the first series of Instructional Walkthroughs that were completed this week. He enjoyed participating with the Creekside group. He then presented his Ten Year Facilities Prospectus which gave an over view of projects to be completed over the next 10 years. He said that the naming committee for the new elementary school will have the process wrapped up by the next board meeting.	Superintendent's Report:
Tom Worthy, Director of Facilities gave an update on the projects currently in process. The Los Banos Elementary Fire Alarm project is complete except for one test and then they should be ready to begin the closeout process. The portable project at Volta is complete except for the seeding of the grass. The Westside Union Elementary project is back on schedule and as of the 20 th of September they are bringing in extra help to get the project finished. The San Luis Project has the bathroom scheduled to be arriving the following week. A Fire Hydrant needs to be installed as well and that will be a big project. The District has to install a traffic light at the corner of B and Place Road. The plans are with the City Planning Office and we expect to have them back in two days. The demolition of the old Loftin Stadium locker rooms is in the beginning stages and testing has begun. Once the tests are complete and they can see what they are dealing with, the process for scheduling bids for demolition will begin. Jim Womack, Project Inspector for the New Elementary School Project, said that things are moving along and that the project is on schedule and slated to be finished in time. Antonio Rosales, Planning Principal of the new elementary school, gave a presentation on the progress of the building of the school and stated that the naming committee would be bringing their recommendation for the name of the new school to the October Board Meeting.	Facilities Report
Marlene Smith said that Sutter Hospital would be giving no cost flu vaccines on the 24 th of September from 8:00-5:00. She welcomed Student Representative Lizbeth Espinoza. Luis Castro also welcomed Lizbeth to the Board. Ray Martinez attended the Governance Training that was held on August 31 st and the Safety Ad Hoc	Trustee Reports

Committee Meeting at the District Office. He said he was also working on personal projects for the District. Margaret Benton wished everyone a good evening and said that one of the highlights of being a board member was attending the flag raising ceremony at Volta Elementary. She enjoyed the Los Banos Elementary back to school night and networking with staff. She attended the joint FFA parent meeting. She congratulated Los Banos Elementary for achieving gold status with the PBIS program. She invited everyone to attend the Street Fair on Saturday and to stop by and have Omelets at the Rotary Breakfast at Westside Elementary. She said that all proceeds support the Sober Grad Program. Anahi Rodriguez greeted everyone and had no report. Gary Munoz had no report. Anthony Parreira thanked Mr. De la Cruz's students for attending the meeting and invited them to come up after the meeting if they had any questions. He attended the Los Banos Elementary and TK back to school/meet the teacher events. He attended one of the Point Break events at Los Banos High School. He stated that he was impressed with the amount of law enforcement staff that participated along with the Fire Chief. It gave students time to interact with the police and fire department personnel. He thanked all of the adults who participated in what was a very intense day. He attended College Day at Los Banos High School. He was pleased to see the many colleges represented along with trade schools and the Armed Forces being represented for those students that are looking for an alternative to a traditional college.

On a motion by Member Smith seconded by Member Rodriguez Trustees adopted the 2018-19 Unaudited Actuals Financial Report. Ayes: Benton, Castro, Munoz, Parreira, Rodriguez, Smith; Noes: Martinez; Absent: 0. Motion carried. Unaudited Actuals Financials Report

A Public Hearing was opened at 8:12 p.m. no one came forward and the Public Hearing was closed at 8:12 p.m. On a motion by Member Benton seconded by Member Rodriguez, Trustees accepted the initial proposal from LBTA. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried. Initial Bargaining Proposal /Los Banos Teachers Association

A Public Hearing was opened at 8:13 p.m. no one came forward and the Public Hearing was closed at 8:13 p.m. On a motion by Member Smith, seconded by Member Martinez, Trustees accepted the initial proposal from LBUSD to LBTA. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried. Initial Bargaining Proposal /Los Banos Teachers Association

On a motion by Member Benton seconded by Member Smith, Trustees approved the Memorandum of Understanding between California State University's Cal State TEACH Program and Los Banos Unified School District for the employment of university students who have an intern credential. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried. MOU Between California State University and LBUSD

There was no action taken on this item. CSBA Call for Nominations for Directors-at-Large

On a motion by Member Rodriguez seconded by Member Munoz, Trustees declared their intent to adopt the following mandated policy updates: BP 1312 Complaints Mandated Policy Changes/Updates.

Concerning District Employees; Community Relations, AR 1312 Complaints Concerning District Employees; Community Relations, BP 3511 Energy and Water Management; Business and Noninstructional Operations, AR 3514 Environmental Safety; Business and Noninstructional Operations, BP 3540 Transportation; Business and Noninstructional Operations, BP 5131.2 Bullying; Students, AR 5131.2 Bullying; Students, BP 5132 Dress and Grooming; Students, AR 5132 Dress and Grooming; Students, BP 6142.1 Sexual Health and HIV/AIDS Prevention Instruction; Instruction, AR 6142.1 Sexual Health and HIV/AIDS Prevention Instruction; Instruction, BP 6142.6 Visual and Performing Arts Education; Instruction, BP 6146.1 High School Graduation Requirements; Instruction. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried.

First Reading

A Public Hearing was opened at 8:18 p.m. no one came forward and the Public Hearing was closed at 8:18 p.m. On a motion by Member Smith seconded by Member Benton, Trustees adopted Resolution #36-19, Adequacy of Pupil Textbooks for the 2019-20 School Year. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith; Noes: 0; Absent: 0. Motion carried.

Resolution #36-19
Sufficiency of
Instructional
Materials

On a motion by Member Martinez and seconded by Member Castro, the Consent Calendar was approved.

CONSENT
CALENDAR

Trustees approved the minutes of the: Regular Meeting held on August 8, 2019 the Special Meeting on August 15, 2019 and the Special Meeting held on August 31, 2019.

Minutes

Certificated Report: Appointments: Rodriguez, Salvador – Student Advocate – CJHS, Souto, Michelle – Associate Preschool Teacher – HME, Lo Curto, Thomas – 6th Grade Teacher – MSE, Gerardo Duran Cabrera Jr.– Math – LBHS; Retired: None. Resigned: None. Extra Duty Appointments: Barger, Darryl – Water Polo Coach, Boys-LBHS; Hale, Charles – Asst. Varsity Football Coach-PHS; Vargas, Andrew – Asst. Varsity Football Coach – PHS; Pikas, Charles Jr. – Activities Director- PHS; Pikas, Charles Jr. – Athletic Director – PHS; Jones, Kevin – Asst. Varsity Football Coach – PHS; Barton, Ronnie – Asst. Varsity Football Coach – PHS; Castaneda, Charles – Head Varsity Wrestling Coach – PHS; Mello, Barbara – Asst. Volleyball Coach, JHS 8th Grade – LBJHS; McCullough, Kimberly -Yearbook Advisor-LBHS; Jenkins, Tyrell- Asst. Varsity Football Coach-LBHS; Medrano, Michael- Asst. JV Football Coach-PHS; Bonillas, Michael-Varsity Golf Coach, Girls- LBHS; Baca, Sandra – Asst. Volleyball Coach, 7th Grade-LBJHS; Lee, Chauncey-Asst. FROSH Football Coach – PHS; Caropreso, Dustin – Head Varsity Football Coach – LBHS; Heguy, Mark – Head Soccer Coach, JHS, Boys – CJHS; Bartlett, Kathy – Pentathlon – CJHS; Fuentes, Douglas – Asst. FROSH football coach – LBHS; Mitchell, Laurence – Asst. Varsity Football Coach – LBHS; Voelcker, Cassandra – Head FROSH Volleyball Coach, Girls – PHS; Brooks, Taylor – Water Polo Coach, Girls – LBHS; Moore, Lori – Head Spirit Team Advisor – PHS; Bourbon, Jalen – Asst. Varsity Football Coach – LBHS; Samaniego, Isaac – JV Volleyball Coach, Girls – LBHS; Siemiller, Jeremy-Head Varsity Football Coach-PHS; Kennedy, Damien – Athletic Director – CJHS; Soliz, Gregorio – Head Varsity Volleyball Coach, Girls – LBHS; Green, Hannah – Head JV Volleyball Coach, Girls – PHS; Clark, Brian – Band Director, JHS – LBJHS; Alvarez, Tracey-Head FROSH Volleyball Coach-

Personnel Actions

LBHS; Troy Fifield- Head JV Soccer Coach, Girls – LBHS; Troy Fifield – Asst. Soccer Coach, Boys – CJHS; Carlos Arceo – Asst. Soccer Coach, JHS, Boys – LBHS; Manuel J. Garcia – Head Soccer Coach, JHS Boys – LBHS; Tammie Schultz – Pentathlon Coach – WUES; Christopher Witt – Asst. JV Football Coach – PHS.

Classified Report: New Hires: Ceja Corona, Maria – FS, Child Nutrition Worker (1.5 Hrs), Ciuffo, Derrick – FS, Child Nutrition Worker (1.5 Hrs), Foreman, Jaime – PHS, Campus Security (5.5 Hrs), Piasta, Adrienne – FS, Child Nutrition Worker (1.5 Hrs), Salvatier, Margarita – FS, Child Nutrition Worker (1.5 Hrs), Verduzco, Alexander – TK, Custodian (6.0 Hrs), Wiley, Brittany – TK, Paraprofessional (4.0 Hrs). Appointments: Bachelder, Monique – FS, Child Nutrition Worker (3.0 Hrs), Camberos, Estela – RME, Paraprofessional (3.25 Hrs), Custer, Karen – VE, Paraprofessional (4.0 Hrs), Raspberry, Cecilia – VE, Paraprofessional (4.0 Hrs). Promotional: Alberti, Jalana – FS, Nutrition Services Production Supervisor (8.0 Hrs), Alvarenga, Virginia – LFE, Office Assistant (6.0 Hrs), Garcia, Adriana – VE, Paraprofessional (4.5 Hrs), Garcia, Laura – PS, Behavior Support Assistant (6.0 Hrs) Maxwell, Maria – DW, Translator-Interpreter (8.0 Hrs), Nunes, Tonya – CE, Library Media Specialist (7.0 Hrs). Retired: None. Termination: None. Resigned: Huarte, Jamie – DW, Crossing Guard – Effective 8/11/2019, Vicuna, Martha – PS, Paraprofessional – Effective 8/23/2019. Leave of Absence: None.

The monthly Fiscal Report was submitted for Board information.	Monthly Fiscal Report
Trustees adopted Resolution #38-19 approving the Gann Appropriations Limit for 2018-19 and 2019-20.	Gann Limit Resolution #38-19
Trustees adopted Resolution #37-19 designating Amer Iqbal as the District’s representative and Alejandra Garibay as alternate to the Merced County School’s Insurance Group.	District Representative, MCSIG
Trustees adopted Board resolution #35-19 authorizing Los Banos Elementary School/Renee Leonard/Amer Iqbal to make application for and sign certain assurances with respect to applications for Local, State and Federal programs, projects or grants.	Public Benefit Grant Resolution #35-19
Trustees approved the following agreements/proposals: Sierra Vista Mental Health Clinician for Crossroads; California State University Cal TEACH; Merced District Attorney’s Office; Truancy Officer; Merced College District/California Adult Education Program, Creative Alternatives/Reyn Franca/Grace Bishop; Non Public Schools.	Agreements/ Contracts
Trustees approved the following overnight/out-of-state travel: LBHS Choir, Choral Festival, San Luis Obispo, March 19-21, 2020; LBHS Boys Basketball, Tournament, Oroville, CA, Jan. 2-4, 2020; LBHS Teacher - PBIS Leadership Forum, Chicago, IL Oct 3-4, 2019.	Out of State/Overnight Travel

Trustees declared specific library books and/or textbooks as obsolete and to dispose of in accordance with Board Policy #3270. Obsolete Books

Trustees approved the warrants for payment. Warrants

On motion by Member Benton seconded by Member Munoz, Trustees expelled student #5518352 for the remainder of the 2019-20 school year. Pupil shall report to Valley Community School or any school of the parents' choice, outside of the Los Banos Unified School District, which meets the requirements of the Education Code of the State of California. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith. Noes: 0; Absent:0. Motion carried. Reporting of Closed Session

On motion by Member Martinez seconded by Member Munoz, the Leave Extension Request for the classified employee was granted. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith. Noes: 0; Absent:0. Motion carried.

On motion by Member Martinez seconded by Member Smith, the request for petition of early graduation for San Luis High Student #5518917 was granted. Ayes: Benton, Castro, Martinez, Munoz, Parreira, Rodriguez, Smith. Noes: 0; Absent:0. Motion carried.

There were no future agenda items or discussion. Future Agenda/ Discussion Item

The meeting was adjourned by Mr. Parreira at 8:26 P.M. Adjournment

SECRETARY

LOS BANOS UNIFIED SCHOOL DISTRICT

DIVISION OF HUMAN RESOURCES

Dr. Tammie Calzadillas, Assistant Superintendent

REPORT OF CERTIFICATED EMPLOYMENT
FOR BOARD APPROVAL – October 10, 2019

APPOINTMENT:

Felix, Shannon – Special Education Teacher, Able Program - effective 9/9/19

RETIRED

None

RESIGNED

Martin, Stephanie – Preschool Teacher – effective 9/19/19

EXTRA DUTY

APPOINTMENTS:

Souza, Meghan – Scholarship Advisor – LBHS; Cotta, Casey – Asst. Varsity Football Coach – PHS; Guerrero, Amanda – Head JV Spirit Team Advisor – LBHS; Sanchez, Lorinda – Asst. Basketball Coach, 8th Grade Girls – CJHS; Costa, Dario Jr. – Asst. Band Director – PHS; Cotta, Aaron – Pentathlon Coach – LFE; Bellinger, Jesse – Head Volleyball Coach, 8th Grade – CJHS; Bellinger, Jesse – Head Volleyball Coach, 7th Grade – CJHS; Reardon, Barry – Decathlon Coach – LBHS; Quevedo-Sorci – Memory Book – CJHS; Percoats, Imani – Asst. Varsity Football Coach – LBHS; Tachella, Anthony – Theatre Director – PHS; Charles Hale – Asst. FROSH Football Coach – PHS; Foreman, Jaime – Asst. FROSH Football Coach – PHS;

LOS BANOS UNIFIED SCHOOL DISTRICT

DIVISION OF HUMAN RESOURCES

**REPORT OF CLASSIFIED EMPLOYMENT
FOR BOARD APPROVAL – October 10, 2019**

Tammie Calzadillas Ed.D., Assistant Superintendent

New Hires:

Hernandez, Melissa – DW, Translator-Intepreter (8 Hrs)
Tapia, Noemi – PS, Paraprofessional (4 Hrs)
Tevis, John – LFE, Custodian (8 Hrs)

Appointments:

Tamber, Jatinder – RME, Paraprofessional (1.5 Hrs)

Promotional:

Amabile, Marisa – CE, Paraprofessional (6 Hrs)

Retired:

Termination:

Resigned:

Vargas, Michelle – LBE, Paraprofessional – Effective 9/18/2019

Leave of Absence:

Board Reference Material

SUBJECT TITLE: Certificated Advancement on Salary Schedule

REQUESTED ACTION: Approve

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve certificated staff that have petitioned and successfully completed the requirements to advance horizontally on the certificated salary schedule for the 2019-20 school year.

BACKGROUND INFORMATION:

The current agreement between the District and the Los Banos Teachers Association states that teacher contracts will be re-written if unit requirements are met and submitted to the Human Resource Office by Sept 17, 2019.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an activity and does not support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

Approximately \$70,515.00

ORIGINATOR: Tammie Calzadillas Ed.D., Assistant Superintendent Human Resources
Date: October 10, 2019

LAST	FIRST	SITE	NEW CLASS	STEP	NEW ANNUAL	NEW MONTHLY	DIFFERENCE	RETRO*4
APODACA	RALPH	LBJHS	5	4	\$68,572.00	\$5,714.33	\$190.50	\$762.01
BAFFUNNO	DANILLE	VE	6	18	\$102,856.00	\$8,571.33	\$1,142.50	\$4,570.01
BELL	CHRISTOPHER	CJHS	4	6	\$70,858.00	\$5,904.83	\$190.50	\$762.01
BORBA	SUSAN	RME	5	3	\$66,286.00	\$5,523.83	\$190.50	\$762.01
BRAR	DANIELA	PHS	5	5	\$70,858.00	\$5,904.83	\$381.00	\$1,524.01
BROUSSARD	JUSTIN	PHS	5	5	\$70,858.00	\$5,904.83	\$190.50	\$762.01
CHAPMAN	JENNIFER	PHS	6	15	\$96,000.00	\$8,000.00	\$571.17	\$2,284.68
CLARK	BRENDA	PHS	6	19	\$105,140.00	\$8,761.67	\$1,332.84	\$5,331.35
CORTOPASSI	ADARIANA	RME	4	5	\$68,572.00	\$5,714.33	\$190.50	\$762.00
CURRY	DAVID	PHS	3	5	\$66,286.00	\$5,523.83	\$571.50	\$2,286.01
DRAKE	KEVIN	PHS	5	7	\$75,428.00	\$6,285.67	\$190.25	\$760.99
DUNI	JUSTIN	LBE	5	4	\$68,572.00	\$6,233.82	\$207.82	\$623.45
ELLERSICK	AMBER	LFE	4	10(17)	\$80,003.00	\$6,666.92	\$762.09	\$3,048.35
GARBER	CHARLES	LBHS	5	6	\$73,145.00	\$6,095.42	\$381.09	\$1,524.35
GOMES	CHRISTIN	CR	5	8	\$77,716.00	\$6,476.33	\$190.66	\$762.65
GOMES	JEWEL	WUES	4	5	\$68,572.00	\$5,714.33	\$190.50	\$762.01
HAMILTON	KELLI	PHS	5	13(15)	\$89,146.00	\$7,428.83	\$761.91	\$3,047.65
JONES	NATHAN	VE	6	15	\$96,000.00	\$8,000.00	\$571.17	\$2,284.68
JONES	EVON	LBJHS	5	13(21)	\$89,146.00	\$7,428.83	\$761.91	\$3,047.65
KESSLER	SHANNON	MSE	6	8	\$80,003.00	\$6,666.92	\$190.59	\$762.35
LLAMAS	MELONIE	LBJHS	4	8	\$75,428.00	\$6,285.67	\$380.84	\$1,523.35
MABE	CODY	CJHS	5	7	\$75,428.00	\$6,285.67	\$190.25	\$760.99
MAGALLANES	AIDA	VE	5	5	\$70,858.00	\$5,904.83	\$190.50	\$762.01
MIRANDA	ANGELICA	TK	6	19(23)	\$105,140.00	\$8,761.67	\$1,332.84	\$5,331.35
MOLINA	ALEXANDRIA	LFE	6	3	\$68,572.00	\$5,714.33	\$190.50	\$762.01
OROZCO	JENNIFER	RME	5	6	\$73,145.00	\$6,095.42	\$190.59	\$762.35
PATINO	JOANNE	LBHS	5	5	\$70,858.00	\$5,904.83	\$190.50	\$762.01
PEREZ	CLAUDIA	LFE	5	7	\$75,428.00	\$6,285.67	\$380.84	\$1,523.35
PRATER	BRYCE	PHS	5	4	\$68,572.00	\$5,714.33	\$190.50	\$762.01
RAMIREZ	JURIDIA	WUES	6	9	\$82,286.00	\$6,857.17	\$190.25	\$760.99
SNIVELY	PAMELA	LBHS	6	6	\$75,428.00	\$6,285.67	\$571.34	\$2,285.35
SOLORIO	GEORGINA	HME	6	8	\$80,003.00	\$6,666.92	\$381.25	\$1,524.99
SPINELLI	CHRISTINA	PHS	4	2	\$61,712.00	\$5,142.67	\$190.34	\$761.35
STOOPS	CHRISTINA	WUES	5	4	\$68,572.00	\$5,714.33	\$190.50	\$762.01
TAYLOR	PAULINA	CSJHS	6	7	\$77,716.00	\$6,476.33	\$190.66	\$762.65
WALLACE	JOHN	PHS	6	13	\$91,430.00	\$7,619.17	\$190.34	\$761.35
WATKINS	DAYNA	LBJHS	4	10(16)	\$80,003.00	\$6,666.92	762.09	\$3,048.35
WENIG	JOHN	PHS	6	19(21)	\$105,140.00	\$8,761.67	\$1,332.84	\$5,331.35
WILLIAMS	SUMMER	WUES	5	4	\$68,572.00	\$5,714.33	\$190.50	\$762.01
							\$10,475.29	\$41,901.16

Board Reference Material

SUBJECT TITLE: Monthly Fiscal Report

REQUESTED ACTION: None—report only

Action_____

Discussion/Information___X___

RECOMMENDATION:

The attached reports are provided for informational purposes only.

BACKGROUND INFORMATION:

- Board Financial Summary Report, General Fund
- Enrollment Graphs
- Developer Fee Collection Report (summary only)

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

N/A

ORIGINATOR: Alejandra Garibay, Director of Fiscal Services
Date: October 10, 2019

Monthly Board report
UNRESTRICTED/RESTRICTED COMBINED

FUND: 01 GENERAL FUND/COUNTY SSF

OBJECT NUMBER	DESCRIPTION	ADOPTED BUDGET	BUDGET ADJUSTMENTS	CURRENT BUDGET	INCOME/EXPENSE	BUDGET BALANCE	BUDGET % USED
REVENUE DETAIL							
	REVENUE LIMIT SOURCES :	119,890,095.00		119,890,095.00	21,352,604.87	98,537,490.13	17.81
	FEDERAL REVENUES :	6,717,409.00	165,249.00	6,882,658.00	4,271,052.35	2,611,605.65	62.05
	OTHER STATE REVENUES :	11,795,891.00	246,047.00	11,549,844.00	580,633.97	10,969,210.03	5.02
	OTHER LOCAL REVENUES :	807,027.00	32,216.00	839,243.00	628,699.36	210,543.64	74.91
	* TOTAL YEAR TO DATE REVENUES	* 139,210,422.00 *	48,582.00 *	139,161,840.00 *	26,832,990.55 *	112,328,849.45 *	19.28

EXPENDITURE DETAIL

CERTIFICATED SALARIES :	56,722,733.00	1,537,684.00-	55,185,049.00	13,162,039.52	42,023,009.48	23.85
CLASSIFIED SALARIES :	20,272,185.00	349,889.00	20,622,074.00	4,779,001.59	15,843,072.41	23.17
EMPLOYEE BENEFITS :	41,095,493.00	594,561.00-	40,500,932.00	8,245,720.39	32,255,211.61	20.35
BOOKS AND SUPPLIES :	11,422,835.00	2,704,074.00	14,126,909.00	957,442.14	13,169,466.86	6.77
SERVICES, OTHER OPER. EXPENSE :	9,110,978.00	599,425.00	9,710,403.00	2,138,521.24	7,571,881.76	22.02
CAPITAL OUTLAY :	1,058,000.00	9,311.00-	1,048,689.00	78,018.92	970,670.08	7.43
OTHER OUTGOING :	1,730,000.00		1,730,000.00	316,303.00	1,413,697.00	18.28
DIRECT SUPPORT/INDIRECT COSTS :	316,197.00-	49,761.00	266,436.00-	.00	266,436.00-	0.00
PRIOR YEAR EXPENDITURE :	757,744.00		757,744.00	382,403.45	375,340.55	50.46
* TOTAL YEAR TO DATE EXPENDITURES	* 141,853,771.00 *	1,561,593.00 *	143,415,364.00 *	30,059,450.25 *	113,355,913.75 *	20.95

OTHER FINANCING SOURCES (USES)

INTERFUND TRANSFERS - OUT :	80,000.00-		80,000.00-	.00	80,000.00-	0.00
CONTRIB.- RESTRICTED PROGRAMS :	.00	550,014.00	550,014.00	.00	550,014.00	0.00
* TOTAL YEAR TO DATE OTHER FINANCING	* 80,000.00-*	550,014.00 *	470,014.00 *	.00 *	470,014.00 *	0.00

Monthly Board report
 UNRESTRICTED/RESTRICTED COMBINED FUND: 01 GENERAL FUND/COUNTY SSF

OBJECT NUMBER	DESCRIPTION	BEGINNING BALANCE	YEAR TO DATE ACTIVITY	ENDING BALANCE
9110	CASH IN COUNTY TREASURY	23,588,752.24	8,958,409.64-	14,630,342.60
9130	REVOLVING CASH ACCOUNT	25,200.00	.00	25,200.00
9135	CASH W/ FISCAL AGENT		109.11-	109.11-
9210	ACCOUNTS RECEIVABLE PRIOR YEAR	7,170,254.44	398,013.45-	6,772,240.99
9310	DUE FROM OTHER FUNDS	348,972.89	360,620.75-	11,647.86-
9340	OTHER CURRENT ASSETS	2,250.00	.00	2,250.00
9510	ACCOUNTS PAYABLE CURRENT LIAB	4,400,888.78-	2,628,585.74	1,772,303.04-
9522	STRS REF EXCESS CONTRIBUTION	1,223.96-	49,807.91-	51,031.87-
9550	USE TAX LIABILITY	36,150.74-	11,724.03	24,426.71-
9553	REPAY		115.00-	115.00-
9554	INSURANCE		113,628.10	113,628.10
9555	125 DEP CARE & MED REIMBURSE		9,138.00-	9,138.00-
9556	MISC DISTRICT VOL-DEDS (1)		79,234.69-	79,234.69-
9557	Refunds of PERS, STRS, SS, MED		9,631.52	9,631.51
9563	STRS TAX DEFERRED REPAYMENT	.01-	937.92	937.92
9564	RETIREE LIABILITY	66.75	116,181.49-	116,114.74-
9567	INSURANCE MISCELLANEOUS		113,997.27-	113,997.27-
9610	DUE TO OTHER FUNDS	68,632.82-	68,632.82	.00
9650	UNEARNED (DEFERRED) REVENUE	4,139,708.87-	4,026,027.48	113,681.39-
* * *	NET YEAR TO DATE FUND BALANCE	22,488,891.14 *	3,226,459.70-*	19,262,431.44 *

FUND RECONCILIATION

ASSETS AND LIABILITIES :

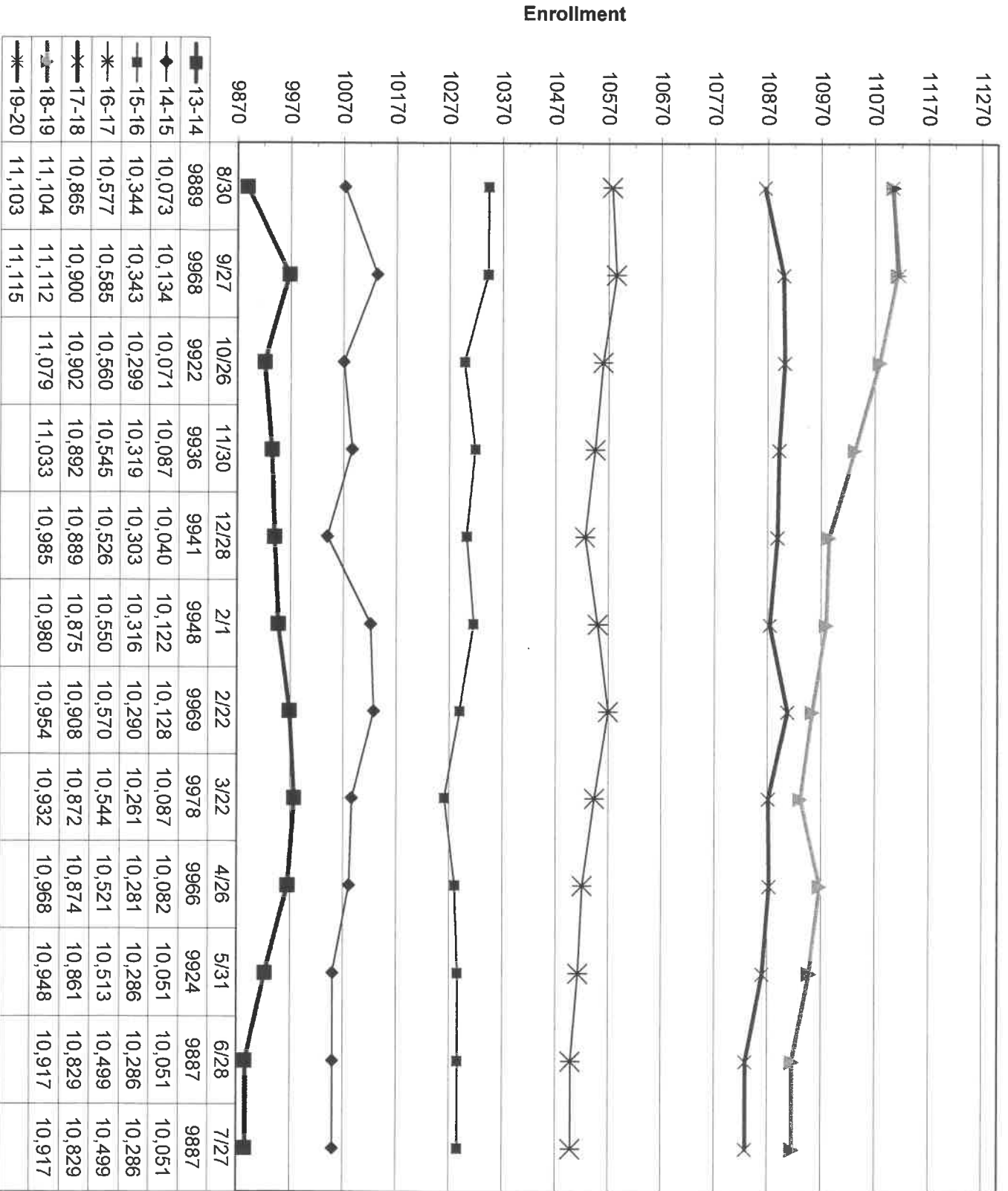
* EXCESS REVENUES/(EXPENDITURES) 22,488,891.14 * 3,226,459.70-* 19,262,431.44 *

Monthly Board report
UNRESTRICTED/RESTRICTED COMBINED

FUND: 01 GENERAL FUND/COUNTY SSF

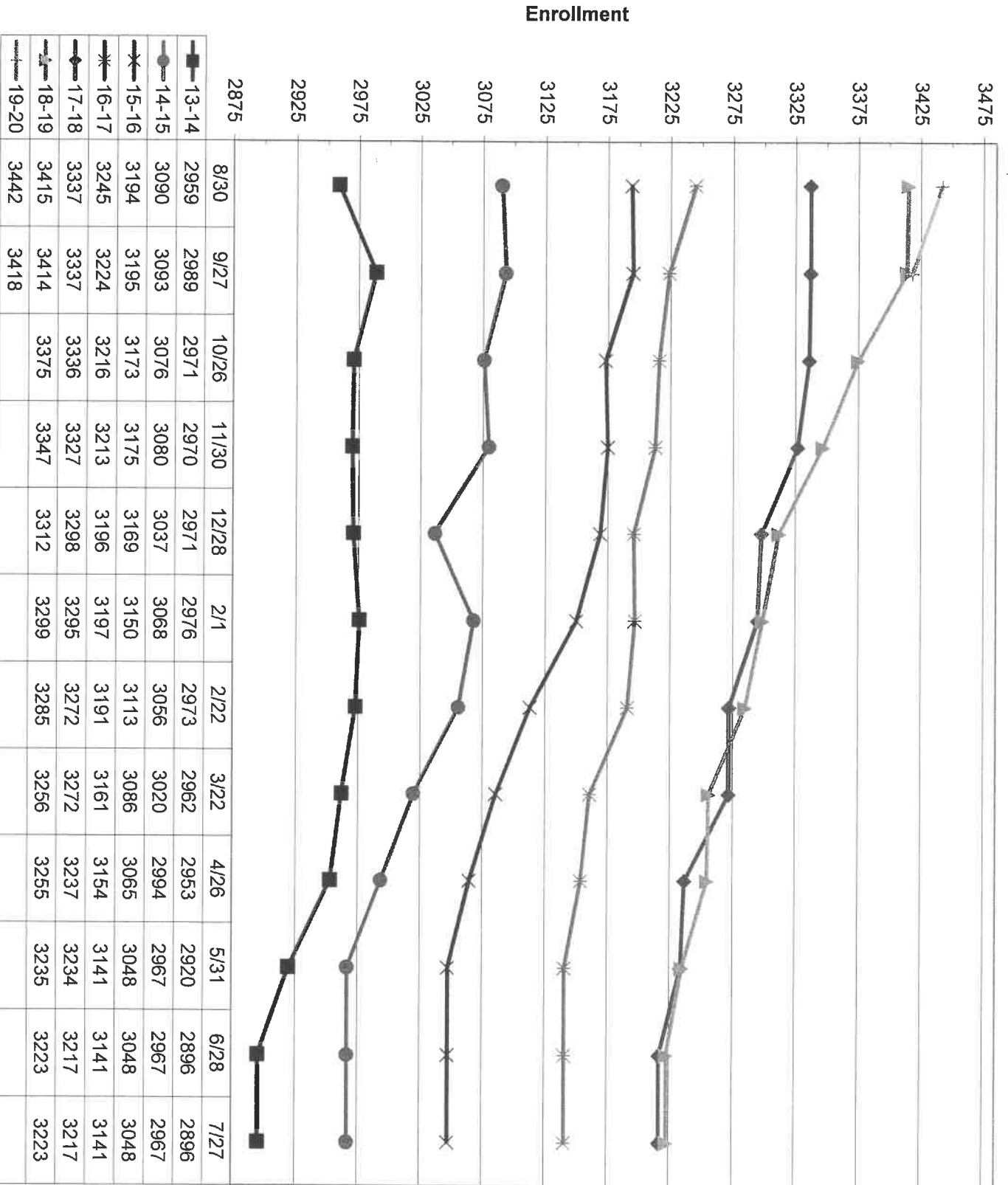
OBJECT NUMBER	DESCRIPTION	ADOPTED BUDGET	BUDGET ADJUSTMENTS	CURRENT BUDGET	INCOME/EXPENSE	BUDGET BALANCE	BUDGET % USED
REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE							
A.	REVENUES	139,210,422.00	48,582.00-	139,161,840.00	26,832,990.55	112,328,849.45	19.28
B.	EXPENDITURES	141,853,771.00	1,561,593.00	143,415,364.00	30,059,450.25	113,355,913.75	20.95
C.	EXCESS REVENUES (EXPENDITURES)	2,643,349.00-	1,610,175.00-	4,253,524.00-	3,226,459.70-	1,027,064.30-	75.85
D.	OTHER FINANCING SOURCES (USES)	80,000.00-	550,014.00	470,014.00	.00	470,014.00	0.00
E.	NET CHANGE IN FUND BALANCE	2,723,349.00-	1,060,161.00-	3,783,510.00-	3,226,459.70-	557,050.30-	85.27
F.	FUND BALANCE :						
	BEGINNING BALANCE (9791)	.00	.00	.00	.00	.00	NO BDGT
	AUDIT ADJUSTMENTS (9793)	.00	.00	.00	.00	.00	NO BDGT
	OTHER RESTATEMENTS (9795)	.00	.00	.00	.00	.00	NO BDGT
	ADJUSTED BEGINNING BALANCE	.00	.00	.00	.00	.00	NO BDGT
G.	ENDING BALANCE	2,723,349.00-	1,060,161.00-	3,783,510.00-	3,226,459.70-	557,050.30-	85.27

K-12 Enrollment (including SDC) by Month



- 13-14
- ◆ 14-15
- 15-16
- * 16-17
- ▲ 17-18
- ▲ 18-19
- * 19-20

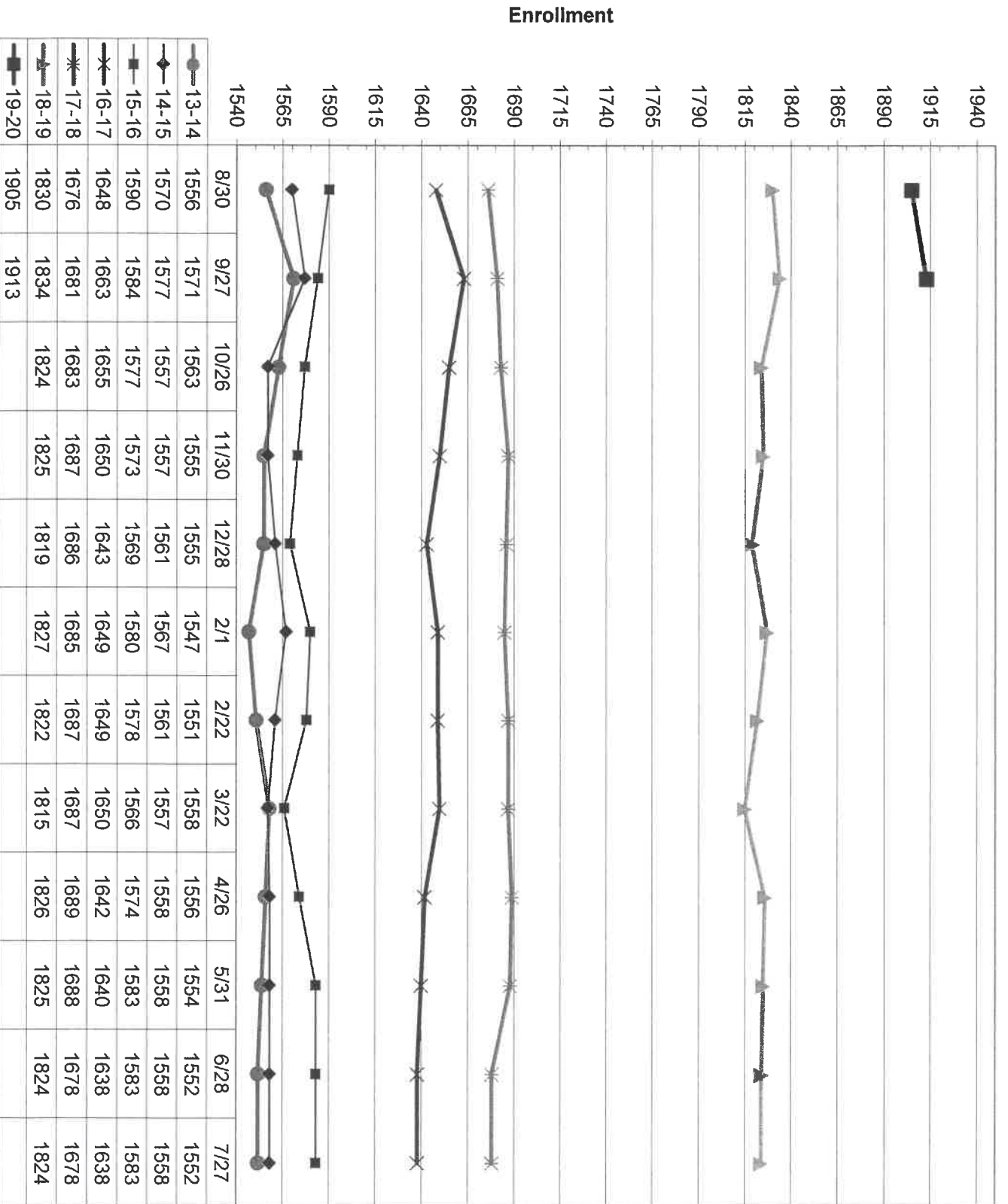
9-12 Enrollment (including SDC)



Enrollment

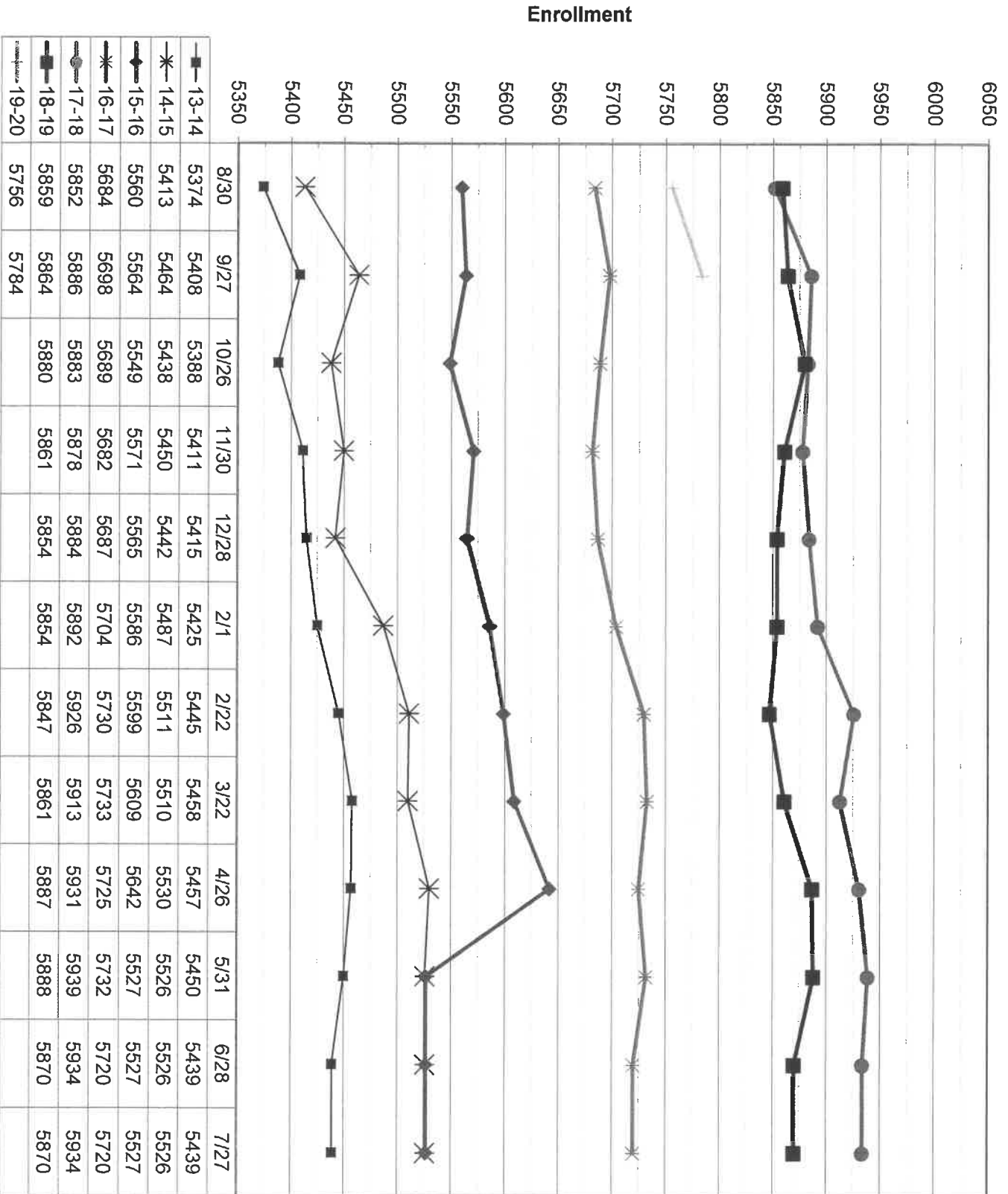
- 13-14
- 14-15
- ✕ 15-16
- ✕ 16-17
- 17-18
- ▲ 18-19
- ✕ 19-20

7-8 Enrollment (Including SDC)



- 13-14
- ◆ 14-15
- 15-16
- ✕ 16-17
- ✱ 17-18
- ▲ 18-19
- 19-20

K-6 Enrollment (including SDC) by Month



- 13-14
- * 14-15
- ◆ 15-16
- ✱ 16-17
- 17-18
- 18-19
- ✱ 19-20

Los Banos Unified School District
2019-2020 Developer Fees

	2015-16	Monthly %	Cumulative	2016-17	Monthly %	Cumulative %	2017-18	Monthly %	Cumulative %	2018-19	Monthly %	Cumulative %	2019-20	Monthly %	Cumulative %
JUL	\$109,941.25	7.48%	7.48%	\$5,731.20	0.25%	0.25%	\$274,657.79	8.01%	8.01%	\$309,617.57	12.98%	12.98%	\$36,944.18	15.38%	15.38%
AUG	\$105,310.08	7.17%	14.65%	\$26,649.18	1.16%	1.41%	\$208,796.85	6.09%	14.10%	\$281,495.00	11.80%	24.78%	\$283,834.35	50.22%	65.61%
SEP	\$37,320.27	2.54%	17.19%	\$47,479.74	2.07%	3.48%	\$275,404.32	8.03%	22.13%	\$102,499.83	4.30%	29.08%	\$194,381.46	34.39%	100.00%
OCT	\$19,825.11	1.35%	18.54%	\$51,686.41	2.25%	5.74%	\$218,715.47	6.38%	28.50%	\$89,323.29	3.74%	32.82%		0.00%	100.00%
NOV	\$28,945.89	1.97%	20.51%	\$186,628.12	8.14%	13.88%	\$197,943.82	5.77%	34.28%	\$269,092.36	11.28%	44.10%		0.00%	100.00%
DEC	\$82,174.85	5.59%	26.11%	\$60,503.79	2.64%	16.51%	\$217,111.35	6.33%	40.61%	\$191,497.49	8.03%	52.13%		0.00%	100.00%
JAN		0.00%	26.11%	\$365,848.48	15.95%	32.47%	\$635,341.43	18.53%	59.13%	\$132,937.61	5.57%	57.70%		0.00%	100.00%
FEB	\$61,428.06	4.18%	30.29%	\$273,114.28	11.91%	44.38%	\$247,502.17	7.22%	66.35%	\$176,908.67	7.42%	65.12%		0.00%	100.00%
MAR	\$111,836.09	7.61%	37.90%	\$165,196.51	7.20%	51.58%	\$66,820.53	1.95%	68.30%	\$155,010.10	6.50%	71.62%		0.00%	100.00%
APR	\$304,266.24	20.71%	58.61%	\$145,515.82	6.35%	57.93%	\$278,641.73	8.12%	76.42%	\$62,214.54	2.61%	74.22%		0.00%	100.00%
MAY	\$436,037.69	29.68%	88.29%	\$787,362.62	34.34%	92.27%	\$549,872.46	16.03%	92.45%	\$447,335.16	18.75%	92.98%		0.00%	100.00%
JUN	\$171,996.03	11.71%	100.00%	\$177,319.04	7.73%	100.00%	\$258,832.61	7.55%	100.00%	\$167,523.95	7.02%	100.00%		0.00%	100.00%
TOTAL	\$1,469,081.56	100.00%		\$2,293,035.19	100.00%		\$3,429,640.53	100.00%		\$2,385,455.57	100.00%		\$565,159.99	100.00%	

Board Reference Material

SUBJECT TITLE: **Annual Report - Developer Fee Collection**

REQUESTED ACTION: Receive Annual Report

Action _____ Discussion/Information X

RECOMMENDATION:

In accordance with Government Code § 66006, an annual report of developer fees collected, interest earned, and expenditures for the fiscal year must be made available to the public within 180 days of the close of the fiscal year. The Board will receive this information at the October 11, 2018 Board meeting. At the first regularly-scheduled meeting occurring 15 days after this information is made available to the public, the Board must review this information. This will be at the November 9, 2018 meeting.

BACKGROUND INFORMATION:

The District began collecting Developer Fees in February 1987. Prior to that time school construction for new student growth projects was primarily funded by State and Local General Obligation Bonds. Since then, new development could be assessed a fee to help offset the additional costs incurred by a school district due to the impact of development projects. Currently, the statutory fee is \$3.79 for residential construction and \$0.61 for commercial/industrial construction.

On July 14, 2000, the District approved a “Level II” fee provided for by SB50. That fee was set at \$3.08. The Level II fee has been updated each year since, and the current rate is \$5.98 per square foot for residential development. Attached is a statement of revenue and expenditures of the Capital Facility Fund.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This report is informational in nature and does not support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

Information item only.

ORIGINATOR: Alejandra Garibay, Director of Fiscal Services
Date: October 03, 2018

Los Banos Unifed School District
1717 South Eleventh Street
Los Banos, California 93635

Annual Report
Los Banos Capital Facilities Fund
Developer Fund 25
(For the Fiscal Year July 1, 2018 through June 30, 2019)

7/1/2018

<i>Beginning Balance</i>		\$	4,051,687.06
Residential Fees	8681	\$	16,943.36
Commercial Fees	8681	\$	2,346,004.02
Interest	8660	\$	52,015.49
Proceeds From COPS			
Proceeds From Lease			
Other Local Revenue	8699	\$	4,880.00
Transfers In	8980		
Total Revenue		\$	2,419,842.87
Supplies	4XXX	\$	85,995.53
Contract Services	586X	\$	757,176.55
Fee Collection Expense			
Rentals	56XX		
Legal	5844	\$	1,177.76
Land Improvements	61XX	\$	23,558.72
Building Improvements	62XX	\$	2,251,633.32
Equipment	64XX	\$	289,653.75
Buidling Lease/Purchase			
Transfers Out	7XXX	\$	2,212,896.88
Total Expenditures		\$	5,622,092.51
Capital Facilites Reserve		\$	3.39
June 30th 2019 Ending Balance		\$	849,440.81

Note: No unexpended or uncommitted fees remian in the account which were deposedited five or more years prior to June 30th, 2019

Developer Fee Financial History

	12-13	13-14	14-15	15-16	16-17	17-18	18-19	TOTAL
BEGINNING BALANCES	\$ 5,276,344.89	\$ 3,184,356.97	\$ 1,609,240.08	\$ 3,239,936.75	\$ 2,966,776.95	\$ 3,736,699.08	\$ 4,051,687.06	\$ 21,725,830.73
RESIDENTIAL FEES	\$ 22,789.77	\$ 257,056.23	\$ 900,365.21	\$ 1,428,425.36	\$ 2,387,268.36	\$ 3,699,175.73	\$ 16,943.36	\$ 2,933,711.27
COMMERCIAL FEES	\$ 49,032.93	\$ 13,359.96	\$ 9,248.58	\$ 9,246.96	\$ 2,705.92	\$ 11,734.80	\$ 2,346,004.02	\$ 2,702,778.44
INTEREST	\$ 34,636.43	\$ 10,752.77	\$ 14,424.66	\$ 21,572.95	\$ 25,363.75	\$ 58,383.87	\$ 52,015.49	\$ 516,518.30
PROCEEDS FROM COPS								
PROCEEDS FROM LEASES								
OTHER LOCAL REVENUE		\$ 1,890.06	\$ 25,076.48		\$ 199,757.16	\$ 225.00	\$ 4,880.00	\$ 249,056.07
TRANSFERS IN			\$ 2,317,124.00					\$ 4,321,774.34
TOTAL REVENUE	\$ 106,459.13	\$ 283,059.02	\$ 3,266,238.93	\$ 1,459,245.27	\$ 2,615,095.19	\$ 3,769,519.40	\$ 2,419,842.87	\$ 34,390,163.76
SUPPLIES							\$ 85,995.53	
CONTRACT SERVICES	\$ 86,988.44	\$ 64,041.22	\$ 44,029.00	\$ 49,645.70	\$ 116,085.75	\$ 231,860.47	\$ 757,176.55	\$ 3,596,561.47
FEE COLLECTION EXPENSES								
RENTALS								
LEGAL		\$ 38,614.57	\$ 8,316.38	\$ 3,980.64	\$ 359,410.69	\$ 9,767.00	\$ 1,177.76	\$ 18,135.10
SITE IMPROVEMENT	\$ 1,524,470.00	\$ 17,731.00	\$ 4,000.00		\$ 45,446.80	\$ 46,075.00	\$ 23,558.72	\$ 1,103,400.55
BUILDING IMPROVEMENTS	\$ 102,606.24	\$ 569,258.04	\$ 99,422.06	\$ 175,444.21	\$ 61,100.52	\$ 1,913,143.59	\$ 2,251,633.32	\$ 7,147,004.04
EQUIPMENT	\$ 219,741.82	\$ 202,155.45	\$ 173,886.69	\$ 756,799.52	\$ 287,864.30	\$ 312,355.36	\$ 289,653.75	\$ 12,105,109.37
BUILDING LEASE/PURCHASE	\$ 264,640.55	\$ 966,375.63	\$ 1,305,888.13	\$ 746,535.00	\$ 748,835.00	\$ 941,330.00	\$ -	\$ 4,918,144.41
TRANSFERS OUT							\$ 2,212,893.49	\$ 8,460,340.98
TOTAL EXPENDITURES	\$ 2,198,447.05	\$ 1,858,175.91	\$ 1,635,542.26	\$ 1,732,405.07	\$ 1,618,743.06	\$ 3,454,531.42	\$ 5,622,089.12	\$ 40,803,108.22
ENDING BALANCE	\$ 3,184,356.97	\$ 1,609,240.08	\$ 3,239,936.75	\$ 2,966,776.95	\$ 3,963,129.08	\$ 4,051,687.06	\$ 849,440.81	\$ 118,152,524.54

Developer Fee Financial History

	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
BEGINNING BALANCES	\$ 7,488,815.27	\$ 12,629,665.35	\$ 17,425,397.61	\$ 18,272,346.23	\$ 15,851,379.73	\$ 11,098,757.53	\$ 10,568,213.64	\$ 7,165,851.86
RESIDENTIAL FEES	\$ 6,161,243.01	\$ 5,381,711.59	\$ 1,940,494.61	\$ 998,888.82	\$ 41,873.23	\$ 292,700.00	\$ 120,432.56	\$ 16,957.50
COMMERCIAL FEES	\$ 22,046.04	\$ 221,039.90	\$ 13,602.12	\$ 138,398.64	\$ 20,661.67	\$ 1,808.09	\$ 53,387.77	\$ 21,433.87
INTEREST	\$ 224,302.53	\$ 519,352.77	\$ 802,324.46	\$ 395,833.34	\$ 254,448.44	\$ 144,914.15	\$ 95,524.61	\$ 48,928.22
PROCEEDS FROM COPS								
PROCEEDS FROM LEASES				\$ 510,720.00		\$ 5,798.30		
OTHER LOCAL REVENUE							\$ 1,299.06	\$ 15,928.31
TRANSFERS IN	\$ 2,101.87				\$ 127,678.40	\$ 1,874,870.07		
TOTAL REVENUE	\$ 6,409,693.45	\$ 6,122,104.26	\$ 2,756,421.19	\$ 2,043,840.80	\$ 444,661.74	\$ 2,320,090.61	\$ 270,644.00	\$ 103,247.90
CONTRACT SERVICES	\$ 189,523.23	\$ 220,323.74	\$ 323,457.57	\$ 588,827.47	\$ 361,280.58	\$ 276,495.16	\$ 192,137.85	\$ 94,688.74
FEE COLLECTION EXPENSES	\$ 28,570.29				\$ 3,494.80	\$ 457.12	\$ 1,496.64	\$ 173.00
RENTALS				\$ 11,770.66			\$ 450.00	\$ 5,914.44
LEGAL	\$ 97,159.00	\$ 68,496.68	\$ 55,535.92	\$ 1,756.63	\$ 11,594.70	\$ 52,514.01	\$ 58,185.04	\$ 336,891.53
SITE IMPROVEMENT		\$ 61,800.00	\$ 196,509.55	\$ 149,498.90	\$ 3,606,719.53	\$ 748,785.10	\$ 75,155.50	\$ 647,253.94
BUILDING IMPROVEMENTS	\$ 343,879.88	\$ 516,429.45	\$ 645,753.68	\$ 3,319,522.26	\$ (134,598.88)	\$ 341,013.77	\$ 1,485,592.69	\$ 414,908.54
EQUIPMENT	\$ 138,341.93	\$ 110,534.26	\$ 111,779.67	\$ 88,440.83	\$ 848,808.54	\$ 900,467.47	\$ 315,156.06	\$ 162,158.76
BUILDING LEASE/PURCHASE	\$ 327,353.41	\$ 303,787.87	\$ 344,991.00	\$ 304,990.55	\$ 499,984.67	\$ 498,094.05	\$ 876,769.20	\$ 330,765.92
TRANSFERS OUT	\$ 144,015.63	\$ 45,000.00	\$ 231,445.18			\$ 32,807.82	\$ 668,062.80	
TOTAL EXPENDITURES	\$ 1,268,843.37	\$ 1,326,372.00	\$ 1,909,472.57	\$ 4,464,807.30	\$ 5,197,283.94	\$ 2,850,634.50	\$ 3,673,005.78	\$ 1,992,754.87
ENDING BALANCE	\$ 12,629,665.35	\$ 17,425,397.61	\$ 18,272,346.23	\$ 15,851,379.73	\$ 11,098,757.53	\$ 10,568,213.64	\$ 7,165,851.86	\$ 5,276,344.89

Board Reference Material

SUBJECT TITLE: Merced County School Boards Association Dues

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve payment to the Merced County School Boards Association for the 2019-20 dues for MCSBA Membership.

BACKGROUND INFORMATION:

Los Banos Unified School District is a member of the Merced County School Boards Association and is required to pay annual dues.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

\$350.00 from the General Fund.

ORIGINATOR: Dr. Mark Marshall, Superintendent

Date: Oct. 10, 2019



209.381.6600
 632 West 13th St.
 Merced, CA 95341

MCSBA Annual Dues

September 9, 2019

TO: District Superintendents
 Board Presidents

FROM: MCSBA Executive Board

RE: 2019-2020 Dues Statement

Amount is based on the current P2-Annual ADA figure for your district. Please place this item on the agenda for your next board meeting.

Please return a completed copy of the attached statement with your payment. All payments should be made by October 25, 2019.

Name of School District: LOS BANOS UNIFIED SCHOOL DISTRICT

School District Enrollment	Amount Due
000 - 1000	100.00
1001 - 2000	125.00
2001 - 3000	150.00
3001 - 4000	175.00
4001 - 5000	200.00
5001 - 6000	225.00
6001 - 7000	250.00
7001 - 8000	275.00
8001 - 9000	300.00
9001 - 10000	325.00
10001 - 11000	350.00
11001 - 12000	375.00
12001 - 13000	400.00
13001 - 14000	425.00
14001 - 15000	450.00

You may send a check payable to Merced County School Board Association, MCSBA attention Ceci Perez, 632 W. 13th Street Merced CA, 95341 or send this form with a budget code for a budget transfer to fax number (209) 381-6773 or email to cperez@mcoe.org.

Account # _____

Superintendent Signature _____ **Date** _____

Board Reference Material

SUBJECT TITLE: **2019-20 GAEN District Representative**

REQUESTED ACTION: Approve

 Action X

 Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve Dr. C. Sean Richey, Chief Academic Officer as the District representative to the Gateway Adult Education Network (GAEN).

BACKGROUND INFORMATION:

The Los Banos Unified School District is a member of the GAEN consortium which is made up of the school districts, county office of education, or joint powers authority that are located within the boundaries of Merced County, Mariposa County, and the City of Chowchilla.

The mission of GAEN is to provide comprehensive regional adult education services that are informed by community partners and include integration between K-12 school districts, county offices of education, and Merced Community College District.

As stated in Article IV of the GAEN bylaws: a member of the consortium shall be represented on the consortium board only by an official designated by the governing board of the member.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Not applicable.

ALTERNATIVE/IDENTIFIED OPPOSITION

None Identified

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

At this point there is no financial impact to the District as funding for GAEN comes from a state allocated budget.

ORIGINATOR: C. Sean Richey, Ed.D., Chief Academic Officer

DATE: October 10, 2019

Board Reference Material

SUBJECT TITLE: Williams Quarterly Complaint Report Summary

REQUESTED ACTION: Approve

Action X Discussion/Information

RECOMMENDATION:

It is recommended that the Board approve the July – September 2019 complaint summary as submitted.

BACKGROUND INFORMATION:

Education Code 35186 requires a school district to report summarized data on the nature and resolution of all Williams Complaints on a quarterly basis to the County Superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

The general complaint summary areas include Textbooks & Instructional Materials, Facilities, and Teacher Vacancy & Misassignments. At this time, there are no pending complaints with the district.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Compliance in Nature

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT:

None

ORIGINATOR: Paula Mastrangelo, Assistant Superintendent Elementary Education
DATE: October 10, 2019

Quarterly Uniform Complaint Report Summary for Submission to Merced County Office of Education											
Quarter Covered by this Report		January to March		April to June		July to September		October to December		2019	
Textbooks & Instructional Materials: <i>Enter zero in any cell that does not apply.</i>				Facilities:				Teacher Vacancy & Misassignment			
# of complaints received in quarter	# of complaints unresolved	# of complaints received in quarter	# of complaints unresolved	# of complaints received in quarter	# of complaints unresolved	# of complaints received in quarter	# of complaints unresolved	# of complaints received in quarter	# of complaints unresolved	# of complaints received in quarter	# of complaints unresolved
0	0	0	0	0	0	0	0	0	0	0	0
Submitted by:		Paula Mastrangelo									
Title:		Assistant Superintendent									
School District:		Los Banos Unified									
Telephone:		209-826-3801 extension 7007									
PLEASE RETURN VIA E-MAIL NO LATER THAN November 1, 2019, TO: Ruth Sanchez - Merced County Office of Education - rsanch											

Board Reference Material

SUBJECT TITLE: Annual Student Organization Review and Approval

REQUESTED ACTION: Approve

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve the updated list of identified student organizations/clubs for the 2019-20 school year.

BACKGROUND INFORMATION:

This is the annual update and approval of both active and inactive clubs established at Los Banos High School, Pacheco High School, Los Banos Jr. High School and Creekside Junior High School. In order for a club to be recognized at the school site it is required to have an approved constitution and advisor. The club must then receive a positive affirmation from both the ASB Advisor and site principal. The club will then be voted upon and approved by the Associated Student Body (ASB). After the ASB takes action, the club must then be forwarded to the district for approval and then to the Board. The following list of clubs has met the established criteria and is recommended for approval. It is also understood that an inactive club may be re-activated if it has an approved advisor, updates its constitution and receives approval by the site principal and ASB.

A number of legal actions have taken place which further defines key concepts as they relate to clubs and organizations. The Federal Equal Access Act (20 USC 4071-4074) applies specifically to secondary schools. Pursuant to this Act, a district with a limited open forum must allow equal access to any student-initiated group in a secondary school wishing to conduct a meeting, without regard to the religious, political, philosophical, or other content of the speech at such meetings. Basically, if a district permits any non-curriculum-related student groups to meet on a school premises during non-instructional time, then, regardless of any policy to the contrary, it has created a "limited open forum."

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Indirectly supports Board goals-student organizations reinforce the instructional program giving students practice in democratic self-government.

ALTERNATIVES/IDENTIFIED OPPOSITION:

Some community members may not like the formation of certain clubs because they do not align with their religious, political, or philosophical beliefs. However, in a limited open forum, if the club follows the established rules and regulations they must be allowed to form.

SPECIFIC FINANCIAL IMPACT:

None

ORIGINATOR: Veli Gurgen, Principal, LBHS/Dan Sutton, Principal, PHS/
Deo Brasil, Principal, LBJH/Carolina Moreno, Principal, CJHS

DATE: October 10, 2019

LOS BANOS UNIFIED SCHOOL DISTRICT
Campus Organization / Club List **2019-20 School Year**

		Original Board Review/Approval	Advisor (s)
Const. on File	ASB Approved Clubs (Active)		
LOS BANOS HIGH SCHOOL			
X	Academic Decathlon		Barry Reardon
X	Anime Club	9/14/2006	Stephanie Thacker
X	Art Club	11/18/2004	Trinidad Gallegos/Josh Danner
X	Calculus Club (Mu Alpha Theta)	9/17/2003	Jeff Stepro
X	California Scholarship Federation (CSF)	11/18/2004	Veronica Seaborn
X	Creative Writing Club	10/8/2015	Debbie Texiera
X	DECA	11/18/2004	Stephanie Austin
X	Drama Club	11/18/2004	Joanne Carruth
X	Environmental Club	8/13/2009	Stephanie Thacker
X	First Priority	11/18/2004	Elise Nicoletti
X	French Honor Society	11/18/2004	John Noia
X	Future Farmers of America (FFA)	11/18/2004	Sonia Falaschi, Stuart McCullough, Larry Borelli, Jason Bretz
X	Gaming Club	9/13/2007	Charles Garber
X	GSA	11/18/2004	Jaime Flores
X	History Society	4/28/2004	Kevin Coleman
X	Interact	11/18/2004	Jennifer Ramos
	LULAC (League of United Latin American Citizens)	11/12/2003	Jaime Flores
	National Honor Society	11/18/2004	Kimberly McCullough
	Paw Print Newspaper		Kim McCullough
X	Photography Club	9/13/2007	Trinidad Gallegos/Josh Danner
X	Portuguese Honor Society	11/18/2004	John Noia
	Red Cross	4/20/2018	Jaime Flores
	Rodeo Club	6/1/2018	Megan Cardoza

X	S Club		11/18/2004	Linda Head
X	Spanish Honor Society (Sociedad Honoraria Hispanica)		11/18/2004	Jeannette Aguilar, Claudia Curutchague
X	Tagalog Club		4/11/2013	John Noia
X	Tiger Cubs Club		9/11/2014	Shelly Weathers
X	TAP		9/12/2013	Patty Lewis
X	Tiger Pride Club		9/13/2007	Joseph Barcellos
Los Banos High School-Approved Clubs (Inactive) Advisor(s)				
X	AFS Junior American Field Service		11/18/2004	
X	Airbrush Club		9/11/2008	
	Battle of the Books			Kevin Coleman
TBD	Biology Club		11/16/2017	
	Black Student Union		11/18/2004	
	Chess Club (Team)		11/18/2004	
X	Cinema Club (Film Appreciation)			
X	Club Ed			
X	Dance Team		8/13/2009	
X	Debate Team		9/13/2007	
X	EI Noticiero		11/18/2004	
X	FAME		9/12/2013	
X	Fashion Club		4/11/2013	
X	Film Appreciation		10/14/2004	
X	Fishing Club		9/12/2013	
X	French Club		11/18/2004	
X	Future Business Leaders of America		11/18/2004	TBD
X	International Community Club		12/12/2013	
	Magic Club		11/18/2004	
X	MESA Club		9/11/2008	TBA
X	Motor Sports Club		4/8/2004	
X	PAL		11/18/2004	
X	Portuguese Club		11/18/2004	
TBD	Public Speaking and Communications Club		11/16/2017	Janne Carruth
X	Ritmo Latino Club		9/13/2007	

X	ROP/DECA		11/18/2004		Marilyn Smith
X	ROP Medical Occupations Club		9/14/2006		Melissa Mathis
X	SADD (Students Against Destructive Decisions)		11/18/2004		Sharon Caredio
	Science Demo Team				Melissa Mathis
X	Spanish Club		9/11/2008		TBD
X	SUCCESS		11/1/2008		Justin Broussard/David Curry
X	TMZ		12/11/2014		Justin Broussard
X	United Nations		12/11/2014		Carlos Campos
Not Required	VICA (Vocational Industrial Club of America)		11/18/2004		Rodrigo Calderon-Aragon/Cruz Berumen-Flores
X	Writers' Guild		8/13/2009		Jennifer Brock
PACHECO HIGH SCHOOL					
X	Alternative Music Club				Margaret Spann
X	Anime Club		9/8/2011		Brenda Clark
X	Art/Photography Club		9/9/2010		Brenda Clark
X	ASL Club (American Sign Language)		10/9/2014		Sue Shryock
X	Black Student Union				Aimee Cozens-Stromenger & Caitlin Freeman
X	California Scholarship Federation (CSF)				Daniel Parkes
X	Computer Science Club				Ila Nelson
X	Cross Fit Club		11/8/2012		Melissa Mathis
X	E3L, Student Voice		9/8/2011		Jennifer Chapman
X	Fashion Club		9/12/2013		Kevin Moseley
X	First Priority		9/8/2011		
X	French Club		9/8/2011		
X	French Honor Society		10/3/2012		
X	Future Bestsellers Club(Book Club)		9/11/2014		
X	Future Farmers of America		9/9/2010		
X	Gaming Club		9/8/2011		
X	GSA/Gay Straight Alliance		2/9/2012		
X	Guidance Club				
X	Interact Club		9/9/2010		
X	K-Club		12/11/2014		

X	League of United Latin American Citizens (LULAC)	4/9/2015	Mike Singh
X	Link Crew	8/9/2012	Charles Pikas
X	MESA Club	9/9/2010	Tim Burns
X	National Honor Society		Audrey Silva
X	Pacheco ASB/Student Government	9/9/2010	Charlie Pikas
X	Pacheco Wrestling Club	4/12/2012	Michael Singh
X	Punjabi Club		Charles Pikas
X	Reptile Club		Marilyn Smith
X	Ritmo Latino Club	11/14/2013	Cruz Berumen-Flores
X	Skills USA	8/1/2016	Lori Rizzonelli
X	Soroptimist Club		Hillary Conway
X	Spanish Honor Society	2/9/2012	Calderon/Ornelas
X	Thespian Club	9/9/2010	Anthony Tachella
X	Writing Club		Ila Nelson
X	Yearbook Club	9/9/2010	Ila Nelson
X	Environmental Club	9/8/2011	Kevin Drake

Pacheco High School-Approved Clubs (Inactive) Advisor(s)

X	Acapella Club		
X	Avid Club	9/9/2010	
X	Club R.O.A.R.	12/13/2012	
X	Dungeon & Dragons Club	4/10/2014	
X	Exergaming Club	9/12/2013	
X	FBLA	9/8/2011	
X	FCA Huddle	11/14/2013	
X	Meaningful Comic Discussion (MCDC)	10/9/2014	
X	Purple Pack Club	7/18/2013	
X	Young Scientists' Den	11/13/2014	

LOS BANOS JUNIOR HIGH

X	First Priority	9/11/2008	Karen Norris
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N/A	MESA After-School		9/11/2008	Valentina Moscorro
X	National Jr. Honor Society		8/16/2010	Amanda Baker
N/A	Spirit Team		11/18/2004	Nichole Souza
N/A	Yearbook		11/18/2004	Amanda Baker
LOS BANOS JUNIOR HIGH (Inactive)				
Inactive	Club AVID		9/11/2008	
Inactive	Interact Club (in progress with Rotary)		9/12/2013	
Inactive	Modern Living		11/18/2004	
Inactive	Science and History Society		11/18/2004	
Inactive	Math Club / Math Days		11/18/2004	
N/A	Student Leadership/Government		11/18/2004	
CREEKSIDE JUNIOR HIGH				
	First Priority			Christine Quevedo-Sorci
	MESA After-School			Howard Wilson
	National Jr. Honor Society			Kelly Todd
	Dance Club			Mary Iniguez
	Comic Club			Travis Cook/Brandon Hatfield

Board Reference Material

SUBJECT TITLE: Mandated Policy Changes/Updates-Second Read

REQUESTED ACTION: Adopt

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board declare its intent to adopt the following mandated updates:

BP 1312 Complaints Concerning District Employees; Community Relations
AR 1312 Complaints Concerning District Employees; Community Relations
BP 3511 Energy and Water Management; Business and Noninstructional Operations
AR 3514 Environmental Safety; Business and Noninstructional Operations
BP 3540 Transportation; Business and Noninstructional Operations
BP 5131.2 Bullying; Students
AR 5131.2 Bullying; Students
BP 5132 Dress and Grooming; Students
AR 5132 Dress and Grooming; Students
BP 6142.1 Sexual Health and HIV/AIDS Prevention Instruction; Instruction
AR 6142.1 Sexual Health and HIV/AIDS Prevention Instruction; Instruction
BP 6142.6 Visual and Performing Arts Education; Instruction
BP 6146.1 High School Graduation Requirements; Instruction

BACKGROUND INFORMATION:

These Board Policies, Administrative Regulations and have been updated to meet current legal and state mandated requirements. The changes are mandated by law and the District must take action to update these policies.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This activity is operational in nature, and does support a specific Board Goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

Mandated policies must be acted upon; optional policies are recommended, but are adopted at the discretion of the Board.

SPECIFIC FINANCIAL IMPACT:

None.

ORIGINATOR: Dr. Mark Marshall, Superintendent

DATE: October 10, 2019

Los Banos USD

Board Policy

Complaints Against Concerning District Employees By Members Of The Public

BP 1312.1

Community Relations

~~The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.~~

~~The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.~~

~~Complaints by district employees against other district employees not covered by any other policy or collective bargaining agreement should be processed pursuant to BP/AR 4144.~~

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

~~(cf. 3515.2 – Disruptions)~~

~~(cf. 4144 – Complaints)~~

~~The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.~~

Complaints Regarding Child Abuse

~~When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. These procedures may be obtained from the main office of any school site in the district.~~

~~Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.~~

~~(cf. 4112.6 – Personnel Records)~~

~~(cf. 5141.4 – Child Abuse Reporting Procedures)~~

Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by

which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

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

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

(cf. 9323 - Meeting Conduct)

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3555 - Nutrition Program Compliance)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4144/4244/4344 - Complaints)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or

designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

Appeals

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

(cf. 9130 - Board Committees)

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

The Board's decision shall be final.

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

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

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

COURT DECISIONS

Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719

~~Management Resources:~~

~~CDE LEGAL ADVISORIES~~

~~0910.93—Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)~~

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: September 13, 2007 Los Banos, California

revised: September 12, 2019

Los Banos USD

Administrative Regulation

Complaints ~~Against~~ Concerning District Employees ~~By Members Of The Public~~

AR 1312.1

Community Relations

Complaint Procedures

~~In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:~~

1. Every effort should be made to resolve a complaints **regarding district employees** at the earliest possible stage. ~~Notification to the complainant of the receipt of the complaint, will occur within 10 work days. Whenever possible, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.~~ **Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.**

2. If a complainant is unwilling or unable to resolve the complaint directly with the ~~person involved, he/she~~ **employee, the complainant** may submit a written complaint to the principal. ~~When the or other immediate supervisor of the employee. Complaints is related to a principal or a central office or district administrator, the complainant may submit the written complaint to~~ **shall be initially filed in writing with the Superintendent or designee.** ~~When If the complaint is related to a board member or Superintendent, the complainant may submit the written complaint directly to the Governing Board~~ **unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.**

3. A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

~~The principal or designee is responsible for investigating the complaint. When the complaint is related to a principal or central office administrator, the Superintendent or designee is responsible for investigating the complaint. When the complaint is related to a board member or Superintendent, the Board is responsible for investigating the complaint.~~

4. 1. When a written complaint is received, the employee **who is the subject of the complaint**

shall be notified **within five days** in accordance with collective ~~the~~ bargaining agreements.

~~5. 2. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so including translations as per Education Code 48985.~~

~~6. A written complaint must include:~~

~~a. The name of each employee involved.~~

~~b. A brief but specific summary of the complaint and the facts surrounding it.~~

~~e. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.~~

~~7. The person responsible for investigating the complaint will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days of receiving the complaint. If additional time is required to investigate the complaint, the person responsible for investigating the complaint will inform the complainant in writing.~~

The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.

3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.

~~8. 4. The Either the complainant or the employee against whom the complaint was made may appeal a decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who will shall attempt to resolve the complaint to the satisfaction of the person(s) parties involved within 30 days. from the date the appeal is received. If additional time is required to investigate the complaint, the person responsible for investigating the complaint will inform the complainant in writing. Complainants should consider and accept the Superintendent or designee's decision as final. However, no later than 10 days from the date of the Superintendent or designee's decision, Either the complainant or the employee may appeal to the Board regarding the complaint. the Superintendent's decision to the Governing Board.~~

~~9. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:~~

5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:

- a. The **full** name of each employee involved.
- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the **employee(s) parties** as to the precise nature of the complaint and to allow the **employee(s) parties** to prepare a **defense: response.**
- c. A copy of the signed original complaint.
- d. A summary of the action taken by the Superintendent or designee, ~~together with his/her specific finding that the problem has not been resolved~~ and the reasons ~~therefore: that the problem has not been resolved~~ **that the problem has not been resolved**

~~10. The Board may render a decision on the appeal without holding a hearing if it so chooses.~~

~~11. Alternatively to No. 10, above, all parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.~~

~~12. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than in closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code section 35146 or Government Code section 54957 or 54957.6.~~

~~(cf. 9321 Closed Session Purposes and Agenda)
(cf. 9323 Meeting Conduct)~~

~~13. Any decision of the Board shall be final.~~

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
 approved: October 3, 1996 Los Banos, California
 revised: September 13, 2007
 revised: **September 12, 2019**

Los Banos USD

Board Policy

Energy And Water Management

BP 3511

Business and Noninstructional Operations

The Governing Board recognizes the environmental and financial benefits that can be derived from conserving energy, water, and other natural resources, preparing for extreme weather and other natural events, and providing an environment that promotes the health and well-being of students and staff. To support district goals for energy and water management, the Superintendent or designee shall develop a resource management program which may include strategies for implementing effective and sustainable resource use practices, exploring the use of renewable and clean energy technology and/or sources, reducing energy and water consumption, and promoting conservation principles in the educational program.

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3510 - Green School Operations)

(cf. 3511.1 - Integrated Waste Management)

(cf. 3512 - Equipment)

(cf. 6142.5 - Environmental Education)

The Superintendent or designee may solicit input from staff, students, and parents/guardians regarding the district's resource management program. The Superintendent or designee shall provide staff and students with training and guidance on best practices to achieve the district's goals, and may establish a reward program to recognize outstanding accomplishments.

(cf. 1150 - Commendation and Awards)

The Superintendent or designee shall regularly inspect district facilities, monitor operations, and make recommendations for maintenance and repairs which may help the district reach its conservation and management goals and improve efficiency.

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation and management goals. The district may coordinate with other local or regional entities to capitalize on their expertise and maximize the efficient use of resources, such as through joint or shared use agreements.

(cf. 1330.1 - Joint Use Agreements)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee shall regularly report to the Board on the district's progress in meeting its conservation and resource management goals.

Storm Water Management

To the maximum extent practicable, the district shall reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff.

The Superintendent or designee shall ensure that the district complies with storm water discharge standards specified by any applicable General Permit coverage required by law, including all requirements of the Construction General Permit issued by the State Water Resources Control Board for any project that disturbs one acre or more of soil. (40 CFR 122.34).

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)

The Superintendent or designee shall develop a storm water management plan that complies with the provisions of the applicable permit and describes best management practices, design strategies, measurable goals, and timetables for implementation. The plan and a resolution authorizing its implementation shall be submitted to the Board for approval. (40 CFR 122.34)

For all projects, the district shall comply with any city or county ordinance that regulates drainage improvements and conditions. (Government Code 53097)

Emergency Interruption of Services

The Superintendent or designee shall develop a plan to minimize disruption to the educational program in the event of power outages or other emergency interruption of utility services. The plan shall include actions to be taken to facilitate student and staff safety, administrative control of operations, protection of equipment, effective communications, and coordination with local fire, police, and emergency personnel and utility service providers.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.5 - Emergency Schedules)

Legal Reference:
EDUCATION CODE

17213.1 School sites
17280 Construction of school buildings
35275 Coordination of new facilities with recreation and park authorities
41422 School term or session length, failure to comply due to disaster
46392 Emergency conditions; ADA estimate
GOVERNMENT CODE
53097 Local agencies
PUBLIC RESOURCES CODE
25410-25421 Energy conservation assistance
WATER CODE
189.3 Recommendations for best design and use practices
13383 Compliance with the federal Water Pollution Control Act
13383.5 Storm water discharge monitoring requirements
CODE OF REGULATIONS, TITLE 23
490-495 Model Water Efficient Landscape Ordinance
2200 Discharge permit fees
UNITED STATES CODE, TITLE 33
1342 National pollutant discharge elimination system
CODE OF FEDERAL REGULATIONS, TITLE 40
122.1-122.64 National pollutant discharge elimination system

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance for Stormwater and Dry Weather Runoff CAPTURE (California Practices to Use Runoff Effectively) at Schools, December 2018

A Blueprint for Environmental Literacy: Educating Every Student In, About, and For the Environment, 2015

Average Daily Attendance Credit During Periods of Emergency, Management Advisory 90-01, rev. February 10, 2005

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS

Guidance for Design and Construction of Vegetated Low Impact Development Projects, 2016

U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS

National Management Measures to Control Nonpoint Source Pollution from Urban Areas, 2005

WEB SITES

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

Alliance to Save Energy: <http://www.ase.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/ls/fa>

California Department of Water Resources: <http://water.ca.gov>

California Division of State Architect: <http://www.dgs.ca.gov/DSA>

California Energy Commission: <http://www.energy.ca.gov>

California State Water Resources Control Board: <http://www.swrcb.ca.gov>

California Stormwater Quality Association: <http://www.casqa.org/resources>

Collaborative for High Performance Schools (CHPS): <http://chps.net>

Green School Yards America: <http://www.greenschoolyards.org>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Policy LOS BANOS UNIFIED SCHOOL DISTRICT
Adopted: September 12, 2019

Los Banos USD

Administrative Regulation

Environmental Safety

AR 3514

Business and Noninstructional Operations

The Superintendent may designate **and train** one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of **the coordinator(s)** shall include, but not be limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

- (cf. 3510 - Green School Operations)
- (cf. 3511 - Energy and Water Management)
- (cf. 3517 - Facilities Inspection)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 5142 - Safety)
- (cf. 7111 - Evaluating Existing Buildings)
- (cf. 7150 - Site Selection and Development)

Indoor Air Quality

~~The Superintendent or designee shall ensure that the following strategies are implemented~~ In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants², **the following strategies shall be implemented:**

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated **continuously** during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

(cf. 3580 - District Records)

Staff shall ~~not obstruct~~ **ensure that airflow is not obstructed** by ~~covering or the~~ blocking of ventilators with posters, furniture, books, or other obstacles.

2. School buildings shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and

~~mildew.~~ **and prevent accidents due to unsafe conditions.** Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.

~~3.~~ **4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)**

(cf. 3514.2 - Integrated Pest Management)

~~4. Routine housekeeping and maintenance schedules and practices shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.~~

(cf. 5141.23—Asthma Management)

5. A carbon monoxide detector or alarm shall be installed in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace, unless otherwise exempted by state law or regulations. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

(cf. 5141.23 - Asthma Management)

~~5.~~ **7. Painting of school facilities and maintenance or repair duties that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.**

~~6.~~ **8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.**

(cf. 3514.1 - Hazardous Substances)

~~7.~~ **9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants such as methyl alcohol or ammonia, shall be placed in locations that are a well ventilated area with minimal exposure of and not frequented by students and staff.**

~~8.~~ **10.** The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

(cf. 3513.3 - Tobacco-Free Schools)

~~9.~~ **11.** Staff **and students shall be asked to** refrain from bringing common irritants **such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free** into the classrooms, school buses, or other enclosed areas or **buildings.**~~including, but not limited to, furred or feathered animals, stuffed toys that may collect dust mites, or perfumes or lotions, when students in the class are known to have allergies, asthma, or other sensitivities to odors.~~

(cf. 6163.2 - Animals at School)

Outdoor Air Quality

The Superintendent or designee may ~~monitor~~ **coordinate with the** local health advisories and ~~outdoor air quality alerts.~~ **air resources control board and monitor local health advisories and outdoor air quality alerts to obtain forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.**

Whenever ~~these measures~~ **a forecast** indicates a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly ~~sensitive.~~ **susceptible to the health risk involved.**

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.5 - Emergency Schedules)

(cf. 5141.7 - Sun Safety)

(cf. 6142.7 - Physical Education and Activity)

~~(cf. 6142.7 - Physical Education)~~

~~(cf. 6145.2 - Athletic Competition)~~

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Reduction of Vehicle Emissions

~~Vehicle Idling~~

~~Except under the conditions specified in 13 CCR 2480 for which vehicle idling may be necessary, the driver of a school bus, student activity bus, or commercial motor vehicle shall:—~~
(13 CCR 2480)

~~1. Turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart~~

~~2. Not cause or allow the bus or vehicle to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour~~

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

(cf. 3540 - Transportation)

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

(cf. 3542 - School Bus Drivers)

(cf. 5142.2 - Safe Routes to School Program)

~~The Superintendent or designee shall ensure that all bus drivers, upon employment and at least once per year thereafter, are informed of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Superintendent or designee shall maintain records of the training and of any complaints and enforcement actions for at least three years.—
(13 CCR 2480)~~

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

Drinking Water Safety

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained, to ensure that drinking water consumed at school does not contain dirt, mold, lead, or other impurities or contaminants that may cause serious health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate any potential problem to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water or on-site water filtration, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

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

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to shut down and make inoperable any fountains or faucets where excess lead levels may exist.

Prevention of Lead Exposure Reduction

In addition to ~~keeping school facilities as dust free and clean as possible,~~ **testing for the presence of lead in drinking water in district schools** the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. School facilities shall be kept as dust-free and clean as possible.

~~1. 2.~~ Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)

~~2. 3.~~ Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

~~3. 4.~~ Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

~~4. 5.~~ Soil with ~~high~~ **low** lead content may be covered with grass, other plantings, concrete, or asphalt. **For soil with high lead content, removal and abatement are required.**

Any action to abate existing lead hazards shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

Prevention of Mercury Exposure

~~5. Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards in 40 CFR 141.80 and 22 CCR 64678, water outlets shall be flushed thoroughly each day before use or made inoperable until a plan for remediation can be implemented. The Superintendent or designee may supply alternative sources of drinking water as appropriate.~~

~~Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)~~

The Superintendent or designee shall identify any mercury-containing products that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement ~~is~~ **are** implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, ~~basic knowledge of~~ **training on** the health effects of asbestos; detection, identification, and assessment of asbestos-containing **building** materials; options for controlling asbestos-containing building materials; **asbestos management programs**; and relevant federal and state regulations. (40 CFR 763.84)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing **building** materials as necessary in accordance with the following:

a. Any school building that is leased, ~~or~~ **acquired, or otherwise used** by the district shall be inspected for asbestos-containing **building** materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)

b. At least once every ~~three years~~ **six months**, the district shall conduct a ~~re-inspection of all known or assumed asbestos-containing building materials in each school building.~~ **periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials.** (40 CFR 763.85**92**)

c. At least once every ~~six months~~ **three years**, the district shall conduct a ~~periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials.~~ **re-inspection of all known or assumed asbestos-containing building materials in each school building.** (40 CFR 763.9285)

2. Based on the results of the inspection, an appropriate response, which is sufficient to protect human health and the environment, shall be determined from among the options specified in 40 CFR 763.90. ~~(40 CFR 763.90)~~ The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)

3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. ~~and~~ Parent/guardian, teacher, and employee organizations annually informed of the availability of these plans. (40 CFR 763.84)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)

~~(cf. 4112.9/4212.9/4312.9 - Employee Notifications)~~
~~(cf. 5145.6 - Parental Notifications)~~

5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. ~~(40 CFR 763.84; Education Code 49410.5 ;~~ **40 CFR 763.84, 763.90)**

Asbestos inspection and abatement work, **preparation of a management plan**, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such

materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staffs who conduct activities that will disturb asbestos-containing **building** materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school, shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

Policy LOS BANOS UNIFIED SCHOOL DISTRICT
adopted: December 12, 1996 Los Banos, California
revised: April 9, 2009
revised: September 12, 2019

Los Banos USD

Board Policy

Transportation

BP 3540

Business and Noninstructional Operations

~~The extent to which the district provides student transportation depends upon student needs and a continuing assessment of financial resources.—~~

~~(cf. 3250 - Transportation Fees)~~

~~The Governing Board desires to:~~

- ~~1. Provide maximum safety for students between home and school and on school-sponsored trips.~~
- ~~2. Promote desirable student behavior and respect for traffic safety.~~
- ~~3. Provide assistance and transportation for students with disabilities.~~
- ~~4. Provide transportation for field trips.~~

~~(cf. 3541.5 - Alternative Transportation Arrangements)~~

~~(cf. 5131.1 - Bus Conduct)~~

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance, and reduce tardiness. In determining the extent to which the district will provide transportation services, the Board shall weigh student and community needs against the cost of providing such services.

(cf. 3100 - Budget)

(cf. 3541 - Transportation Routes and Services)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 6178.2 - Regional Occupational Center/Program)

The Superintendent or designee shall recommend to the Board economical, environmentally sustainable, and appropriate means of providing transportation services.

(cf. 3510 - Green School Operations)

The Board may purchase, rent, or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802-39803)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student pursuant to Education Code 35350 or the evacuation of students as necessary for their safety.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131.1 - Bus Conduct)

The district may install a global positioning system (GPS) on school buses and/or student activity buses in order to enhance student safety and provide real-time location data to district and school administrators and parents/guardians.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the district, provide for the maintenance and operation of district-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

(cf. 3542 - School Bus Drivers)

Legal Reference:

EDUCATION CODE

35330 Excursions and field trips

35350-~~35351~~ Authority to transport pupils

39800-39860 Transportation

41850-41854 Allowances for transportation

41860-41862 Supplemental allowances for transportation

45125.1 Criminal background checks for contractors

52311 Regional occupational centers, transportation

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

PENAL CODE

637.7 Electronic tracking devices

CODE OF REGULATIONS, TITLE 5

14100-14103 Use of school buses and school pupil activity buses

15240-15343 Allowances for student transportation, especially:

15253-15272 District records related to transportation

VEHICLE CODE

2807 School bus inspection

~~Arcadia Unified School Dist. v. State Dept of Education, 91 Daily Journal D.A.R. 4939~~

~~Salazar et al v. Honig et al, 88 Daily Journal D.A.R. 5882~~

~~Arcadia Unified School Dist. v. State Dept of Education and Salazar, 5 Cal. Rptr. 2d 545~~

CODE OF REGULATIONS, TITLE 13

2025 Retrofitting of diesel school buses

COURT DECISIONS

Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)

~~Management Resources:~~

~~CDE MANAGEMENT ADVISORY~~

~~0500.92 Implementation of Special Education Transportation Apportionment (#92-02)~~

~~0619.92 Fees for Pupil Transportation (#92-05)~~

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: December 12, 1996 Los Banos, California

revised: September 12, 2019

Los Banos USD

Board Policy

Bullying

BP 5131.2

Students

The Governing Board recognizes the harmful effects of bullying on student **well-being, student learning, and school attendance** and desires to provide safe school environments that protect students from physical and emotional harm. ~~District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.~~

No individual or group shall, through physical, written, verbal, **visual**, or other means, harass, sexually harass, threaten, intimidate, ~~retaliate~~, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, **or retaliate against them for filing a complaint or participating in the complaint resolution process.**

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

Any complaint of bullying shall be investigated and, if determined to be discriminatory,

resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

~~(cf. 5145.2 - Freedom of Speech/Expression)~~

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

~~(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)~~

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

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

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative

~~school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.~~

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

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

~~(cf. 6142.8—Comprehensive Health Education)
(cf. 6142.94—History-Social Science Instruction)
(cf. 6163.4—Student Use of Technology)~~

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

~~(cf. 4131—Staff Development)
(cf. 4231—Staff Development)
(cf. 4331—Staff Development)~~

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

Intervention

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

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

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

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

~~(cf. 6164.2—Guidance/Counseling Services)~~

Reporting and Filing of Complaints

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

~~Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3—Uniform Complaint Procedures.~~

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

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

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

Investigation and Resolution of Complaints

~~Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.~~

~~If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.~~

Discipline

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

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

~~(cf. 5144—Discipline)
(cf. 5144.1—Suspension and Expulsion/Due Process)
(cf. 5144.2—Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4—Behavioral Interventions for Special Education Students)~~

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

~~(cf. 4118—Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21—Professional Standards)
(cf. 4218—Dismissal/Suspension/Disciplinary Action)~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-468770 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

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

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

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

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

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

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <http://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <http://casel.org>

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

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

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

Partnership for Children and Youth: <http://www.partnerforchildren.org>

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

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: December 11, 2014 Los Banos, California

revised: May 10, 2018

revised: September 12, 2019

Los Banos USD

Administrative Regulation

Bullying

AR 5131.2

Students

Definitions

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

2. Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias

5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences

2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

3. Identify the signs of bullying or harassing behavior

4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Student Instruction

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

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

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

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such

observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

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

Discipline/Corrective Actions

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

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

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

(cf. 6164.2 - Guidance/Counseling Services)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

(cf. 5141.52 - Suicide Prevention)

Regulation: LOS BANOS UNIFIED SCHOOL DISTRICT
Adopted: September 12, 2019

Los Banos USD

Board Policy

Dress And Grooming

BP 5132

Students

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to ~~give proper attention to personal cleanliness and to~~ wear clothing ~~that are~~ **is** suitable for the school activities in which they participate. Students' **shall not wear** clothing ~~must not~~ **that** presents a health or safety hazard or a distraction ~~which would interfere with the~~ **is likely to cause a substantial disruption to the educational process program.**

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

~~Students and parents/guardians shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.~~

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

(cf. 0415 - Equity)

(cf. 5145.2 - Freedom of Speech/Expression)

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

~~When gangs constitute a danger to students, the Superintendent or designee may restrict student dress and grooming as necessary to comply with Board policy related to gang activity.~~

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Standard Dress

~~The Board recognizes that, in order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a district school may wish to establish a reasonable dress code requiring standard dress for students. Such standard dress may be included as part of the school safety plan and must be presented to the Board for approval.~~

~~The Board shall approve such dress codes when it determines they are necessary for the health and safety of the school's students.~~

~~Schools are expected to take measures to maintain a safe school environment, including keeping any gang influence off of school campuses. However, keeping informed on the indications of gang activity, such as the ever-changing gang apparel and insignia, takes staff time away from other, more productive endeavors related to education. Also, the wearing of baggy clothing may conceal weapons or other contraband.~~

~~School standardized dress is one means of eliminating the fear of students wearing gang apparel, either purposefully or inadvertently, and also encouraging school spirit in a positive, constructive manner. To these ends, schools choosing to adopt a standardized dress requirement as part of their dress code shall do all of the following:~~

- ~~1. The specific type of dress shall be determined by the principal, staff, and parents/guardians of the individual school;~~
- ~~2. The standardized dress requirement shall not be implemented with less than six months' notice to parents/guardians;~~
- ~~3. The school must have available resources to assist economically disadvantaged students to obtain standardized dress.~~
- ~~4. No student shall be penalized academically or otherwise discriminated against nor denied attendance to school if the student's parents/guardians choose not to have the student comply with the school standardized dress policy. Parents/guardians shall indicate such choice by submitting a written statement each year to the school administrator.~~
- ~~5. Students who participate in a nationally recognized youth organization shall not be precluded from wearing the organization's standardized dress on days that the organization has a scheduled meeting.~~
- ~~6. The standardized dress policy shall be adopted as a component of the school's safety plan and submitted to the Board of Education for formal adoption.~~
- ~~7. The school shall continue to maintain a responsible dress code for those students whose parents/guardians submit a written exemption from the standardized requirement.~~
- ~~8. A copy of the standardized dress policy shall be given to each entering student at the time of admission, and to all students at the beginning of each school year.~~

~~Parents, guardians who do not wish their child to attend a school due to the standardized dress policy may participate in the School of Choice and enroll their child in a different school through normal procedures. Parents/guardians who wish their child to attend a school with a standardized dress policy, but who choose not to comply with that policy, may have 10 school days from the time of enrollment to request a waiver from the policy. Exceptions may be allowed by the Board on a case by case basis. Applications for the waiver will be made available by the school principal.~~

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District, (2008) 26 F. 3d 419

Harper v. Poway Unified School District, (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: June 2, 1966 Los Banos, California

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revised: August 6, 1998

revised: September 12, 2019

Los Banos USD

Administrative Regulation

Dress And Grooming

AR 5132
Students

In cooperation with teachers, students and parents/guardians, the principal or designee shall ~~may~~ establish ~~and regularly review~~ school rules governing student dress and grooming **which are consistent with law, Board policy, and administrative regulations. These school dress codes shall be regularly reviewed.**

(cf. 0420 - School Plans/Site Councils)

The following guidelines shall apply to all regular school activities:

1. ~~Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.~~ **Clothing, jewelry, and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive or which promotes the use of alcohol, drugs, tobacco, or other illegal activity.**
2. ~~Clothing and jewelry shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive or which advocate racial, ethnic or religious prejudice or the use of drugs or alcohol.~~ **Appropriate shoes must be worn at all times.**
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments ~~at all times.~~ ~~See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh tops and bare abdomens~~ are prohibited.
5. ~~Gym shorts may not be worn in classes other than physical education.~~
6. ~~Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.~~

~~Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.~~

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic

activities, and other extracurricular and cocurricular activities.

(cf. 3260 - Fees and Charges)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

No grade of a student participating in a physical education class shall be adversely affected ~~due to the fact that if~~ **the** the student does not wear standardized physical education apparel ~~where the failure to wear such apparel arises from~~ **because of** circumstances beyond the student's control. (Education Code 49066)

(cf. 5121 - Grades/Evaluation of Student Achievement)

~~The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.—~~ **Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)**

(cf. 5141.7 - Sun Safety)

Uniforms

~~In schools where a schoolwide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)~~

~~School standardized dress is one means of eliminating the fear of students wearing gang apparel, either purposefully or inadvertently, and also encouraging school spirit in a positive, constructive manner.—To these ends, schools choosing to adopt a standardized dress requirement as part of their dress code pursuant to Board Policy 5132, shall apply the following window of opportunity for exemption to the dress requirement:~~

~~1.—All applications for exemption must be submitted within 10 school days of the beginning of each school year or within 10 school days of a child's enrollment in the district, whichever occurs first.—Failure to submit an application for exemption within 10 school days constitutes forfeiture of the right to be exempted for the immediate school year.~~

~~2.—Students transferring during the school year from a school which does not require standardized dress will be allowed 10 days to request an exemption.~~

~~The principal or designee shall give parents/guardians at least six months' notice before a school uniform policy is implemented.—(Education Code 35183)~~

~~Students who participate in a nationally recognized youth organization shall be allowed to wear~~

~~organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)~~

~~The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.~~

~~The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.~~

~~General Policy Statement Regarding Standards for Band Members Participating in Band Reviews and Other Public Performances~~

~~Band is a voluntary program. Students are not obligated to participate and participation is not required for graduation. A student is not required to have band credits for college entrance. Thus, competition in high school band is a privilege and not a right. Accompanying that privilege is the responsibility of the band member to conform to standards established for members of the school band.~~

~~The following standards are based on the premise that the band member is in a position that represents the band, school, and community when and wherever the band performs:~~

~~Grooming and Appearance for Band Reviews~~

- ~~1. Sideburns shall not extend below the earlobe.~~
- ~~2. Girls must wear their hair inside their hats.~~
- ~~3. Boys' hair may not extend over the tops of the ears or down the back of the neck below the normal position of a shirt collar, nor be so long as to cover the uniform overlay collar.~~
- ~~4. Girls may wear a limited amount of make-up.~~
- ~~5. Grooming needs for band reviews is coordinated and under the discretion of the band instructor.~~

~~Citizenship~~

- ~~1. The band member should:
 - ~~a. Provide exemplary conduct both on and off the campus.~~
 - ~~b. Adhere to school and community laws.~~
 - ~~c. Show respect for other individuals and property.~~
 - ~~d. Show respect for good scholarship and academic achievement.~~~~

e. ~~Exhibit good sportsmanship and fair play.~~

~~Band Responsibility~~

1. ~~The band member has responsibilities to common goals and group loyalties with other band members.~~

2. ~~The band member should subordinate himself for band values.~~

3. ~~The band member should possess self-discipline and provide personal sacrifice to attain goals common to the band as a group.~~

4. ~~The band member will perform at all band functions excepting in extenuating circumstances as determined by the band director and/or the administration.~~

~~Athletic Dress Guidelines and Behavior Code~~

~~School athletics are a potential educative force of tremendous power in meeting many of the needs of youth. Competition and cooperation are prized in our California culture, and both are fostered by well-conducted athletic games under competent leadership. Interscholastic athletics should be provided for the "physically gifted" and represent one of the highest potential activity areas in secondary education for the pursuit of excellence.~~

~~Athletics which are regulated to meet educational objectives can provide a major contribution to fitness of the participant through (1) development of, and appreciation for health and physical fitness; (2) learning the "give and take" essential to environmental adjustment, and appreciating the values of sportsmanship and cooperation in good citizenship; (3) acquiring skills, knowledges, and attitudes which can result in life-long recreational values; and (4) gaining self-reliance and understanding the necessity for hard work and self-discipline in order to be prepared for the task ahead.~~

~~Interscholastic athletics is a voluntary program. Students are not obligated to participate and participation is not required for graduation. A student is not required to have athletic credits for college entrance. Thus, competition in high school athletics is a privilege and not a right. Accompanying that privilege is the responsibility of the athlete to conform to standards established for the school athletic teams.~~

~~The following guidelines are ideals which the athlete should strive to attain. They are based on the fundamental premise that the athlete is in a position of school leadership and should represent his team, school and community in the highest order.~~

~~Rules of Behavior~~

~~Proper dress, grooming and appearance~~

1. ~~Sideburns should not extend below the bottom of the ear.~~
2. ~~Hair should not extend over the tops of the ears or down the back of the neck below the normal position of the collar of the type of shirt generally worn with a tie.~~
3. ~~No beards or goatees should be worn.~~
4. ~~If bangs are usually combed down, they should not extend over the tops of the eyebrows.~~
5. ~~Shoes and socks must be worn during all practices as well as in competition.~~
6. ~~In addition to the regularly accepted standards of dress, a coach has the right to require all team members to be uniformly attired when attending an athletic event; i.e., shirt, tie, school sweater, etc.~~

Citizenship

1. ~~The athlete should:
 - a. ~~Provide exemplary conduct both on and off campus~~
 - b. ~~Adhere to school and community laws~~
 - c. ~~Show respect for individuals and property~~
 - d. ~~Show respect for good scholarship and academic achievement~~
 - e. ~~Exhibit good sportsmanship and fair play~~~~

Team Responsibility

1. ~~The athlete has responsibilities to common goals and group loyalties with other team members.~~
2. ~~The athlete should subordinate himself/herself for team values.~~
3. ~~The athlete should possess self-discipline and provide personal sacrifice to attain team goals.~~

Gang-Related Apparel

**At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff, and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.
(Education Code 32282)**

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
approved: May 8, 1997 Los Banos, California
revised: June 1998
revised: September 12, 2019

Los Banos USD

Board Policy

Sexual Health And HIV/AIDS Prevention Instruction

BP 6142.1

Instruction

The Governing Board recognizes that the purpose of the district's sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The Board therefore desires to provide a well-planned sequence of **medically accurate and inclusive** instruction on comprehensive sexual health and human immunodeficiency virus (HIV)/AIDS prevention. **The district's educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.**

(cf. 5030 - Student Wellness)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

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

(cf. 6142.8 - Comprehensive Health Education)

The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

~~The district's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The district's program shall comply with the requirements of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.~~

~~(cf. 5141.22 - Infectious Diseases)~~

~~(cf. 5141.25 - Availability of Condoms)~~

~~(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6143 – Courses of Study)~~

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12 at least once in junior high or middle school and at least once in high school. (Education Code 51934)

~~(cf. 6143 - Courses of Study)~~

The district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

~~The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's comprehensive sexual health education program. The Board shall consider the advisory committee's recommendations when approving the district's program.~~

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

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

Parent/Guardian Consent

~~A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)~~

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying administrative regulation, that they may request in writing that their child be excused from participating in comprehensive sexual health and HIV prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

~~(cf. 5022 - Student and Family Privacy Rights)~~

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the

student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

49381 Human trafficking prevention resources

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

~~51513 Materials containing questions about beliefs or practices~~ **Test, questionnaire, survey, or examination containing questions about beliefs or practices**

~~51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act~~

California Healthy Youth Act

51950 Abuse, sexual abuse, and human trafficking prevention education

67386 Student safety; affirmative consent standard

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education **requirements and prohibited use of funds**

Management Resources:

CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, January 2019

WEB SITES

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

~~American Academy of Pediatrics: <http://www.aap.org>~~

~~American College of Obstetricians and Gynecologists: <http://www.acog.org>~~

~~American Public Health Association: <http://www.apha.org>~~

~~California Department of Education, Sex Education and HIV/STD Instruction:—
<http://www.cde.ca.gov/ls/he/se>~~

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

**California Department of Education, Sex Education and HIV/AIDS/STD Instruction:
<http://www.cde.ca.gov/ls/he/se>**

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

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

California Partnership to End Domestic Violence: <http://www.cpedv.org>

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

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

~~National Academy of Sciences:—<http://www.nationalacademies.org>~~

~~U.S. Department of Health and Human Services, Office of the Surgeon General:—
<http://www.surgeongeneral.gov>~~

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

U.S. Food and Drug Administration: <http://www.fda.gov>

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: September 10, 2009 Los Banos, California

revised: September 12, 2019

Los Banos USD

Administrative Regulation

Sexual Health And HIV/AIDS Prevention Instruction

AR 6142.1

Instruction

Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's **comprehensive** sexual health and HIV/AIDS prevention instruction and materials are: (Education Code 51933, 51934):

1. **Are** Age appropriate

~~Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.~~

2. ~~Factually and~~ **Are** medically accurate and objective

~~Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.~~

3. ~~Available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner, as otherwise provided~~ **Are aligned with and support the following purposes as specified in the Education Code 51930:**

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

a. **To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy**

b. **To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family**

c. **To promote understanding of sexuality as a normal part of human development**

d. **To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end**

e. **To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors**

4. ~~Appropriate for use with students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, English learners, and students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds~~

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

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

~~(cf. 6174 - Education for English Learners)~~

5. ~~Accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids~~

Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code

6. ~~Not teaching or promoting religious doctrine~~ **Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials,**

and instruction in alternative formats and auxiliary aids

(cf. 6159 - Individualized Education Program)

7. ~~Not reflecting~~ Do not reflect or promote bias or promoting prejudice against students in any person in protected categories of discrimination pursuant to Education Code 220

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships

9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes

10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so

11. Teach the value of and prepare students to have and maintain committed relationships such as marriage

12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation

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

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

14. Do not teach or promote religious doctrine

Components of Sexual Health and HIV Prevention Education

~~Other district courses that may include subject matter related to that which is presented in either HIV/AIDS prevention or comprehensive sexual health instruction, shall not be subject to the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent, if such courses contain: (Education Code 51932)~~

~~1. Solely a description or illustration of human reproductive organs that may appear in a~~

~~textbook adopted pursuant to law on physiology, biology, zoology, general science, personal hygiene, or health~~

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

~~(cf. 6142.93—Science Instruction)~~

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body

~~2. Instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their function~~

~~(cf. 6143—Courses of Study)~~

~~Additional Requirements for HIV/AIDS Prevention Instruction~~

~~HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school. (Education Code 51934)~~

~~Instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences. The district's curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above and shall also include: (Education Code 51931, 51934)~~

~~1. Information on the nature of HIV/AIDS and its effects on the human body~~

2. Information on the manner in which HIV is and other sexually transmitted infections are and are is not transmitted, including information on activities that present the highest risk of HIV infection the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use

~~3. Discussion of methods to reduce the risk of HIV infection, including:~~

~~a. Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention~~

~~b. Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection~~

~~c. Information on other methods that may reduce the risk of HIV transmission from~~

~~intravenous drug use~~ **Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy**

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

(cf. 5141.25 - Availability of Condoms)

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

~~4. Discussion of the public health issues associated with HIV/AIDS~~ **Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention**

~~5. Information on local resources for HIV testing and medical care~~ **Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing**

~~6. Development of refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities~~ **Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others**

~~7. Discussion about societal views on HIV/ and AIDS, including addressing unfounded stereotypes and myths regarding persons with HIV/ and AIDS and emphasizing compassion for persons~~ **people living with HIV/AIDS**

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

- a. Parenting, adoption, and abortion
 - b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5
 - c. The importance of prenatal care
10. Information about sexual harassment, sexual assault, sexual abuse, and human trafficking, including:
- a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking
 - b. Information on how social media and mobile device applications are used for human trafficking
11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks, or other digital media. (Education Code 51934)

~~Additional Requirements for Sexual Health Instruction~~

~~The district's sexual health education curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above as well as the following criteria:— (Education Code 51931, 51933)~~

- ~~1. Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.~~
- ~~2. Instruction and materials shall teach respect for marriage and committed relationships.~~
- ~~3. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.~~
- ~~4. Beginning in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and~~

~~are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.~~

~~5. Beginning in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~(cf. 5141.25 Availability of Condoms)~~

~~6. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexual conduct.~~

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

~~7. Beginning in grade 7, instruction and materials shall provide students with information on the law concerning surrendering physical custody of a minor child 72 hours or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5.~~

~~(cf. 6143 Courses of Study)~~

Professional Development

The district's instruction shall **comprehensive sexual health education and HIV prevention education shall** be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, **healthy relationships, pregnancy, and HIV and other sexually transmitted diseases infections.** (Education Code 519321, 51933, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

(cf. 4131 - Staff Development)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/AIDS prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for district personnel who have demonstrated expertise or received in-service training from the CDE or federal Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education **in order** for district personnel teaching **comprehensive**

sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants ~~with expertise in comprehensive sexual health or HIV/AIDS prevention education, or guest speakers,~~ including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver ~~the instruction~~ **comprehensive sexual health and HIV prevention education** or to provide training for district personnel. **All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction.** The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

(cf. 6145.8 - Assemblies and Special Events)

Parent/Guardian Notification

At the beginning of each school year, or at the time of a student's enrollment, ~~the Superintendent or designee shall notify parents/guardians shall be notified~~ about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. That parents/guardians ~~may request in writing that their child not receive~~ **have a right to excuse their child from** comprehensive sexual health or HIV/AIDS prevention education, **or research on student health behaviors and risks, provided they submit their request in writing to the district**
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants; **and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:**

- a. **The date of the instruction**
- b. **The name of the organization or affiliation of each guest speaker**
- c. **Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938**

~~If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)~~

- ~~a. The date of the instruction~~
- ~~b. The name of the organization or affiliation of each guest speaker~~
- ~~e. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934~~

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the ~~district~~ **Superintendent or designee** shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. ~~(Education Code 51938)~~

(cf. 5145.6 - Parental Notifications)

~~Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification. If a parent/guardian wishes to excuse his/her child from instruction, he/she must provide a separate written request, as specified in Board policy.~~

Nonapplicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

- 1. **A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Education Code 51931**

(cf. 6142.93 - Science Instruction)

- 2. **Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions**

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT
approved: September 10, 2009 Los Banos, California
revised: **September 12, 2019**

Los Banos USD

Board Policy

Visual And Performing Arts Education

BP 6142.6

Instruction

The Governing Board believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall ~~provide opportunities for creation, performance, and appreciation of the arts.~~ **be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning.**

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

The Board shall adopt academic standards for dance, **media arts**, music, theatre, and visual arts that **lead to artistic literacy and promote access and equity in the arts. District standards shall** describe the skills, knowledge, and abilities that students shall be expected to possess at each grade level ~~The district's standards shall meet or exceed state standards for each of these disciplines.~~ **and shall meet or exceed state standards.**

(cf. 0415 - Equity)

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, **media arts**, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following ~~strands~~ **artistic processes**:

1. ~~Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline~~ **Creating: conceiving and developing new artistic ideas and work**
2. ~~Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works~~ **Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation**
3. ~~Historical and cultural context: understanding the historical contributions and cultural dimensions of an arts discipline~~ **Responding: understanding and evaluating how the arts**

convey meaning

4. ~~Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts~~ **Connecting: relating artistic ideas and work with personal meaning and external content**

(cf. 6141 - Curriculum Development and Evaluation)

5. ~~Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers~~

~~(cf. 6141 - Curriculum Development and Evaluation)~~

The Board shall adopt standards-based instructional materials for visual and performing arts ~~in accordance with applicable law, Board policy, and administrative regulation,~~ which may incorporate a variety of media and technologies.

(cf. 0400 - District Technology Plan)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
~~(cf. 6161.3 - Toxic Art Materials)~~
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.1 - Library Media Centers)

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement ~~adopted instructional materials.~~ **the district's arts education program.**

(cf. 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1260 - Educational Foundation)
(cf. 1700 - Relations between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6020 - Parent Involvement)
(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of **the district's arts education program** at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

8950-8957 California summer school of the arts

32060-32066 Toxic art supplies

35330-35332 Field trips

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51225.3 Graduation requirements

58800-58805 Specialized secondary programs

60200-60210 Instructional materials, elementary schools

60400-60411 Instructional materials, high schools

99200-99206 Subject matter projects

Management Resources:

CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS

Parents' Guide to the Visual and Performing Arts in California Public Schools

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Visual and Performing Arts Framework for California Public Schools: Kindergarten through Grade Twelve, 2004~~

~~Visual and Performing Arts Content Standards, January 2001~~

~~Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2004~~ **California Arts Framework for Public Schools, Kindergarten through Grade Twelve**

California Arts Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019

WEB SITES:

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

Arts Education Partnership: <http://aep-arts.org>

California Alliance for Arts Education: <http://www.artsed411.org>

California Arts Council: <http://www.cac.ca.gov>

California Art Education Association: <http://www.caea-arteducation.org>

California Association for Music Education:

<http://www.actaonline.org/content/california-association-music-education>

California Dance Education Association: <http://www.cdeadance.org>

California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>

California Educational Theatre Association: <http://www.cetoweb.org>

California Music Educators Association: <http://www.calmusiced.com>

The California Arts Project: <http://csmc.ucop.edu/tcap>

Policy LOS BANOS UNIFIED SCHOOL DISTRICT
adopted: June 12, 2008 Los Banos, California
revised: May 8, 2014
revised: September 12, 2019

LOS BANOS USD

Board Policy

High School Graduation Requirements

BP 6146.1

Instruction

The Governing Board desires to prepare all students to obtain a high school diploma so that they can take advantage of opportunities for postsecondary education and employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses, shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6152.1 - Placement in Mathematics Courses)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

(cf. 6142.93 - Science Instruction)

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

5. One course in visual or performing arts; foreign language, including American Sign Language; or career technical education (CTE) (Education Code 51225.3)

To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education.

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

Note: Pursuant to Education Code 51225.3, the Board may prescribe additional coursework (e.g., health education, service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

Note: If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation. See AR 6143 - Courses of Study.

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

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

(cf. 6142.8 - Comprehensive Health Education)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

Exemptions from District-Adopted Graduation Requirements

District students are required to complete graduation course requirements specified above, including the requirements imposed by Education Code 51225.3 and those adopted by the Board. However, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Within 30 days of the transfer or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student of the availability of the exemption and whether the student qualifies for it. (Education Code 51225.1)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

Note: Items #1-3 below are optional and may be revised to reflect district practice.

In addition, the district may retroactively grant high school diplomas to: (Education Code 48204.4, 51430, 51440)

1. Persons who departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the United States or through online or virtual courses.

2. Former students who were interned by order of the federal government during World War II or who are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Veterans who entered the military service of the United States while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school

Honorary Diplomas

*****Note:** The following optional section reflects the Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect district practice.***

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the home country following the completion of one academic school year in the district

(cf. 6145.6 - International Exchange)

2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

Legal Reference:

EDUCATION CODE

- 47612 Enrollment in charter school
- 48200 Compulsory attendance
- 48204.4 Parents/guardians departing California against their will
- 48412 Certificate of proficiency
- 48430 Continuation education schools and classes
- 48645.5 Acceptance of coursework
- 48980 Required notification at beginning of term
- 49701 Interstate Compact on Educational Opportunity for Military Children
- 51224 Skills and knowledge required for adult life
- 51224.5 Algebra instruction
- 51225.1 Exemption from district graduation requirements
- 51225.2 Student in foster care defined; acceptance of coursework, credits, retaking of course
- 51225.3 High school graduation
- 51225.35 Mathematics course requirements; computer science
- 51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
- 51225.5 Honorary diplomas
- 51225.6 Compression-only cardiopulmonary resuscitation
- 51228 Graduation requirements
- 51240-51246 Exemptions from requirements
- 51250-51251 Assistance to military dependents
- 51410-51413 Diplomas
- 51420-51427 High school equivalency certificates
- 51430 Retroactive high school diplomas
- 51440 Retroactive high school diplomas
- 51450-51455 Golden State Seal Merit Diploma
- 51745 Independent study restrictions
- 56390-56392 Recognition for educational achievement, special education
- 66204 Certification of high school courses as meeting university admissions criteria
- 67386 Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5

- 1600-1651 Graduation of students from grade 12 and credit toward graduation
- 4600-4670 Uniform complaint procedures

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

WEB SITES

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gs/hs>

University of California, List of Approved a-g Courses:

<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

Adopted: September 12, 2019

Board Reference Material

SUBJECT TITLE: Agreement Passantino-Andersen, LLC

REQUESTED ACTION:

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve the 2019-20 agreement with Passantino Andersen, LLC to develop a comprehensive Crisis Communication Plan.

BACKGROUND INFORMATION:

It is undeniable that effective preparation can minimize impacts from crisis situations and ensure that our brand remains untarnished. Passantino Andersen proposes to conceptualize and draft a Crisis Communications Plan (CCP) that can be activated in the future when a crisis emerges. This plan will provide a step-by-step playbook to draw upon at a moment's notice. Los Banos Unified will be able to manage a crisis calmly and effectively knowing that their actions are pre-planned and vetted.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Goal # 10 and 11-This agreement fulfills the Board's goal to develop a messaging plan for the community inclusive of providing clear and understandable information to all parties.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The District will pay a flat fee of 4,600.00.

ORIGINATOR: Mark Marshall, Ed.D., Superintendent

Date: October 10, 2019

MASTER CONSULTING AGREEMENT

THIS MASTER CONSULTING AGREEMENT (the "Agreement") is entered into by and between Passantino Andersen Communications, LLC, located at 42305 10th Street West, Lancaster, CA 93534 and Los Banos Unified School District ("Client") located at 1717 S. 11th St, Los Banos, CA 93635

INTRODUCTION

Thank you for the opportunity to have Passantino Andersen Communications provide public relations services for the school district.

1. Services to be Performed by Passantino Andersen Communications:

Passantino Andersen Communications will provide Los Banos Unified School District with services to develop a comprehensive Crisis Communications Plan as described in the Statement of Work – Attachment A. As our relationship continues, we may mutually execute other Statements of Work, which would also become part of this Agreement.

2. Payment for Services:

2.1 *Compensation.* Passantino Andersen Communications will invoice Client based on the compensation schedule outlined in the Statement of Work – Attachment A.

2.2 *Out-of-Pocket Expenses and Mileage.* Passantino Andersen Communications shall be reimbursed for all reasonable out-of-pocket expenses provided that such expenses are pre-approved by Client. Mileage costs are included in the fees associated with this scope of work.

2.3 *Invoices.* Passantino Andersen Communications shall invoice Client at the onset of work related to this scope of work for an amount of 50% of the compensation schedule outlined in Statement of Work – Attachment A. Upon successful completion of the scope of work outlined in Statement of Work – Attachment A, Passantino Andersen Communications shall submit a final invoice for the remaining balance, along with any previously approved expenses. Late or non-payment of invoices constitutes a material breach of this Agreement and is grounds for immediate termination of all Services to be performed by Passantino Andersen Communications.

3. Obligations of Client

Client agrees to make available to Passantino Andersen Communications, upon reasonable notice, any and all information, data, or documentation required by Passantino Andersen Communications to complete the Services. Client and Client's agents and employees shall cooperate, whenever necessary, with Passantino Andersen Communications to the degree such cooperation is necessary to Passantino Andersen Communication's performance of the Services.

4. Term and Termination:

4.1 *Commencement and Renewal.* This Agreement shall commence on October 1, 2019 and shall remain in effect through the completion of this scope of work. This Agreement may be renewed with revised terms, conditions and prices only upon written agreement of both parties.

4.2 If at any time in the event the other party terminates or suspends its business, becomes subject to any bankruptcy or insolvency proceeding under federal or state statute, or becomes subject to direct control by a trustee or similar authority that party shall immediately notify the other party of its occurrence.

4.3 *Obligations Upon Expiration or Termination.* Upon expiration or termination of this Agreement, Passantino Andersen Communications shall promptly return to Client all items, information, data or documentation in its possession, as well as any other related materials, which are owned by Client. Termination of this Agreement shall not relieve either party of its obligations regarding Confidential Information under Section 6 below.

5. Independent Contractor Status:

5.1 It is expressly agreed and understood that the relationship between Passantino Andersen Communications and Client shall be that of independent contractors and neither party shall be deemed to be the agent or employee of the other. Except for those powers required to perform the Services, neither party shall have the right to bind the other, transact any business in the other's name, or make any promise or representation, or incur any liability for or on behalf of the other. Passantino Andersen Communications may represent, perform services for and be employed by any other clients, persons, or companies as it sees fit.

6. Confidential Information:

6.1 *Non-Disclosure.* Both parties agree not to use, disclose, sell, license, publish, reproduce or otherwise make available the Confidential Information of the other party except and only to the extent necessary to perform under this Agreement. Both parties agree to secure and protect Confidential Information in a manner consistent with the maintenance of its own confidential and proprietary rights and to take appropriate action by instruction or agreement with its employees, consultants or other agents who are permitted access to Confidential Information to satisfy its obligations under this Section.

6.2 *Confidential Information.* "Confidential Information" means a party's information, not generally known by non-party personnel, used by the party and which is proprietary to the party or the disclosure of which would be detrimental to the party, except such information which (i) was previously known; (ii) is generally available to the public; (iii) is subsequently disclosed by a third party who is not under any obligations to the disclosing party.

7. Non-Solicitation:

Client warrants, represents and agrees that the personnel supplied hereunder are the employees or independent contractors of Passantino Andersen Communications, that their services are of a special, unique, unusual, extraordinary and intellectual character which gives Passantino Andersen Communications peculiar value and the loss of which cannot be reasonably or adequately compensated for by pecuniary damages, and that Client therefore shall not, during the term of this Agreement and for a period of twelve (12) months thereafter, solicit or actually employ, directly or indirectly, as an employee or independent contractor or otherwise, any of the personnel employees or independent contractors placed with Client by Passantino Andersen Communications hereunder. This is a continuing warranty and representation, and in the event of Client' breach thereof, Passantino Andersen Communications shall be entitled, in addition to any and all other remedies available to it, to injunctive relief.

8. Ownership of Work:

8.1. *Ownership of Work.* Title to the final form of all Deliverables, originated and prepared for Client under and during the term of this Agreement, shall belong to Client; provided that, title shall pass to Client only upon receipt by Passantino Andersen Communications of all outstanding invoiced amounts. Until such invoiced amounts are received, Passantino Andersen Communications may withhold delivery of Deliverables and such action shall not be considered a breach of this Agreement.

8.2. *Pre-Existing Materials.* Client acknowledges that in the course of performance by Passantino Andersen Communications pursuant to this Agreement, Passantino Andersen Communications may use ideas, methods, concepts, know-how, structures, formulas, techniques, inventions, developments, processes, discoveries, improvements, and/or software tools (including all copyrights, trademarks, patents, trade secrets and moral rights related to same) which are proprietary to Passantino Andersen Communications and/or its suppliers ("Pre-existing Materials"). Client shall not have nor obtain any rights in such Pre-existing Materials; provided that, to the degree the final form of the Deliverables implemented for Client require use of such Pre-Existing Materials, Passantino Andersen Communications hereby grants to Client a limited, perpetual, royalty-free non-exclusive license to utilize such Pre-Existing Materials as such needed to utilize the final Deliverables.

8.3 *Rights Retained by the Parties.* The parties understand and agree that each party's Confidential Information and working papers belong exclusively to that party in accordance with the Confidentiality provisions set forth in Section 6 above. Subject to such limitation, the ideas, methods, concepts, know-how, structures, techniques, inventions, developments, processes, discoveries, improvements and other information designed or developed during the course of this Agreement by Passantino Andersen Communications and/or Client' personnel may be used by either party in any way that party deems appropriate, without an obligation to account to the other, including by or for its clients or customers, notwithstanding anything to the contrary contained in this Agreement. Passantino Andersen Communications is in the business of developing solutions for a wide variety of clients, and Client understands that Passantino Andersen Communications will continue these activities. Accordingly, nothing in this Agreement shall preclude or limit Passantino Andersen Communications from providing consulting services and/or materials for itself or other clients, irrespective of the possible similarity thereof to materials that might be delivered to Client.

9. Warranty / Limitation of Liability:

9.1 *Warranty.* Passantino Andersen Communications warrants that the Services performed under this Agreement will be performed using generally accepted industry standards and practices. No warranties or guarantees are expressed or implied with respect to the scope of work.

9.2 *Limitation of Warranty.* The warranty above is exclusive and is in lieu of all other warranties, express, implied, statutory or otherwise, with respect to the services provided under this Agreement, and all implied warranties of merchantability or fitness for a particular purpose. Passantino Andersen Communications shall not be liable for any services provided by third party vendors, regardless of whether such vendors were retained on behalf of Client.

9.3 *Limitation of Liability.* Passantino Andersen Communication's liability to Client under this Agreement and with respect to any Services contemplated by this Agreement shall be limited to the amount actually paid by Client to Passantino Andersen Communications. In no event shall either party be liable to the other party for any incidental, consequential, indirect or punitive damages (including but not limited to any lost profits) regardless of whether such liability is based on breach of contract, tort, strict liability, breach of warranties, even if either party is advised of the possibility of such damages.

10. General Provisions:

10.1 *Applicable Law and Forum.* This Agreement shall be governed and construed in accordance with the laws of the State of California without regard to the conflicts of laws or principles thereof. Any action or suit related to this Agreement shall be brought in the state or federal courts sitting in California.

10.2 *Notices.* Any notice or other communication required or permitted under this Agreement shall be given in writing and delivered by hand or by registered or certified mail, postage prepaid and return receipt requested, to the address first listed at the top of page 1 of this Agreement.

10.3 *Waiver.* No waiver by either party of any breach of the provisions of this Agreement shall be deemed a waiver of any preceding or succeeding breach of the same or any other provisions hereof. No such waiver shall be effective unless in writing and then only to the extent expressly set forth in writing.

10.4 *Entire Agreement.* This Agreement, including Attachment A, constitutes the entire agreement between Passantino Andersen Communications and Client and merges all prior and contemporaneous communications with respect to the subject matter hereof.

10.5 *Modifications.* No modification of this Agreement shall be effective unless in writing and signed by both parties.

10.6 *Severability.* If any provision of this Agreement is invalid or unenforceable

under any statute or rule of law, the provision is to that extent to be deemed omitted, and the remaining provisions shall not be affected in any way.

11. Dispute Resolution:

11.1 The Parties agree to resolve any dispute arising between them as a result of or in connection with this Agreement by diligent negotiation in good faith. Should any such dispute remain unresolved for sixty (60) days, it will be finally settled by an arbitrator pursuant to the Commercial Rules of the American Arbitration Association.

11.2 If either Party institutes legal proceedings against the other arising out of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs of litigation as fixed by the arbitrator in such action, or by a court rendering judgment on the same.

11.3 Nothing in this Section affects the Parties' right to seek injunctive relief or other equitable relief as provide in Section 11.1 of this Agreement.

IN WITNESS WHEREOF, and in acknowledgment that the parties hereto have read and understood each and every provision hereof, the parties have executed this Agreement on the date first set forth below.

PASSANTINO ANDERSEN COMMUNICATIONS, LLC



Signature

10/02/2019

Date

LOS BANOS UNIFIED SCHOOL DISTRICT

Signature

Date

STATEMENT OF WORK Attachment A

PROPOSED SCOPE OF WORK

It is undeniable that effective preparation can minimize impacts from crisis situations and ensure that your brand remains untarnished. Passantino Andersen proposes to conceptualize and draft a Crisis Communications Plan (CCP) that can be activated in the future when a crisis emerges. This plan will provide a step-by-step playbook to draw upon at a moment's notice. Client will be able to manage a crisis calmly and effectively knowing that their actions are pre-planned and vetted.

Passantino Andersen Communications will develop a unique and comprehensive Crisis Communications Plan (CCP) on behalf of Los Banos Unified School District, which will include the following:

- Implementation guidelines and instructions for effective crisis communications by Los Banos Unified School District leadership. The plan will offer a leadership tree that assigns roles and responsibilities and helps rapidly centralize decision-making and action BEFORE a crisis occurs.

A comprehensive messaging deck with key messages that effectively preserve the brand in the wake of a crisis.

- Step-by-step action plans for communicating key messages both internally and externally. Target audiences will be identified and methods of dissemination pre-determined.
- Development of stock communications that can instantly be deployed. Such messages must be carefully balanced to be calm and controlled as opposed to reactive, emotional and alarming.
- An inventory of communications channels to deploy in a crisis for both internal and external audiences.
- Other preparatory elements as identified throughout the process.

DEADLINES & DELIVERY

CCP development and delivery is estimated to take 4-6 weeks for completion from the date of execution of this agreement. Meeting this deadline will depend upon multiple factors beyond the immediate control of Passantino Andersen, including Client responsiveness to information requests, meeting schedules and receipt of research information from third parties. We will do everything in our power to deliver this scope of services on time and will notify Client immediately if we anticipate any delay.

Upon completion, the CCP will be delivered as follows:

- 1 Digital Copy in PDF format
- 1 Printed and Bound Copy. Additional copies of this document may be purchased for an additional fee of \$147 per document.

COMPENSATION SCHEDULE

Passantino Andersen Communications is excited for the opportunity to provide crisis communications planning services to Los Banos Unified School District.

We will offer a flat fee of \$4,600 for our services as described above, which constitutes a more than 40% discount off of our standard rates, based on your status as an active client in good standing with Passantino Andersen Communications. This contract period will be until such time as the scope of work described above is completed, following the contract start date. If at any time LBUSD decides to terminate our services, they are free to do so with no penalties.

All expenses will be approved by the Los Banos Unified School District prior to execution. We will work to maximize every dollar invested in public communications.

As an additional, optional service, Passantino Andersen will develop and host a 4-hour crisis communications training workshop for up to 12 LBUSD officials for an additional fee of \$3,650. Should you desire to purchase such services, we will work with you to schedule these services upon completion and delivery of the CCP.

PASSANTINO ANDERSEN COMMUNICATIONS, LLC



Signature

10/02/2019

Date

LOS BANOS UNIFIED SCHOOL DISTRICT

Signature

Date

Board Reference Material

SUBJECT TITLE: Student Overnight Travel

REQUESTED ACTION:

Action X Discussion/Information _____

RECOMMENDATION:

It is recommended that the Board approve overnight travel for the Los Banos High Girls' Basketball team to participate in the West Coast Jamboree Tournament.

BACKGROUND INFORMATION:

The Varsity Basketball team is requesting approval of the trip to the San Francisco area during the week of December 27-30, 2019.

Tentative Schedule:

Depart Los Banos High School on Friday, December 27, 2019 at 8:00 a.m.
Arrive in Walnut Creek at approximately 11:00 a.m.
Registration and check-in at the Embassy Suites Walnut Creek
Play game 1 on Friday, December 27, 2019
Play Game 2 on Saturday, December 28, 2019
Play Game 3 on Monday, December 29, 2019
(No games can be played on Sunday so the tournament will conclude on Monday.)
Depart Walnut Creek on December 30, 2019
Arrive in Los Banos on Saturday, December 30, 2019 approximately 8:00 p.m.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The only financial impact on the school is tournament entry fee and the use of the suburban. The Girls' Basketball Student Body account will be responsible for all other cost associated with this trip, including travel if needed.

ORIGINATOR: Veli Gurgen, Principal, Los Banos High School

Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: Student Over-Night Travel

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve the travel and participation of the Los Banos Jr. High School MESA students and advisor(s) to participate in the Northern College Road Trip during Thanksgiving Break (November 25-27, 2019).

BACKGROUND INFORMATION:

This is the 14th year of MESA (Math, Engineering, and Science Achievement) at Los Banos Jr. High. Our program continues to grow district-wide. Los Banos Junior High currently offers 3 sections of the MESA elective class and an after-school enrichment group with a combined enrollment of over one-hundred active participants, including several 6th grade students from within the district.

Approximately 40-52 students, 1-2 MESA advisor(s)/teacher(s), along with school employees, and/or cleared volunteer parent chaperones will attend the Northern California College Road. As college campuses confirm the tour dates and times, Mrs. Mascorro will submit a finalized itinerary to the site administration prior to the departure date. The participants for the MESA CRT will depart Los Banos at 6:00am on November 25, 2019 and return by 6:00pm on November 27, 2019.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None Identified.

SPECIFIC FINANCIAL IMPACT:

The cost of the College Road Trip is \$275 per student. MESA participants pay for the trip through a variety of on-campus fundraising efforts by the MESA students, parents, and advisors. LBJH families/students facing financial hardship will coordinate fundraising efforts with Mrs. Mascorro in our effort to offer financial assistance to all students. The impact on the site and district budget to participate in the MESA College Road Trip is minimal as the overnight trip takes place on non-instructional days and the primary expense to the site is the transportation cost of a district bus.

ORIGINATOR: Deolinda Brasil, Principal and Valentina Mascorro, MESA Advisor
Los Banos Junior High School

Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: Pacheco Girls Golf, Divisional Playoffs

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve Pacheco High School Girls Golf traveling to play in Nicolaus, CA on October 20-21, 2019.

BACKGROUND INFORMATION:

Pacheco High Girls Golf will be competing in Div IV competition as a team. This is an opportunity to face competition that we will not see in our local area, represent our school, and our town, and allow the team to bond in a travel experience.

The team will travel in a district vehicle to their destination and will stay in one hotel in Nicolaus, CA . There will be 2 chaperones/coaches that will supervise this trip and stay with the team in the same hotel.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The athletic transportation account from Pacheco High School will pay for the cost of the vans for the overnight trip. The Girls Golf program, through fundraising, has funds that will cover the following: hotels for the students, meals (dinner and breakfast) for all players.

ORIGINATOR: Daniel Sutton, Principal, Pacheco High School
Date: October 10, 2019

Board Reference Material

SUBJECT TITLE: **Student Overnight Travel**

REQUESTED ACTION: Approve

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve the overnight fieldtrip for Los Banos High School's Senior Grad Nite at Disneyland on June 2-3, 2020.

BACKGROUND INFORMATION:

Going to Disney's Senior Grad Nite has been a long standing tradition at Los Banos High School. Seniors will leave for the trip on the morning of Tuesday, June 2nd, 2020 and return on the following morning of Wednesday, June 3rd, 2020. The trip will consist of 3-4 charter buses carrying approximately 200 students, 10 teacher chaperones, and 1 administrator. The students and chaperones will be transported in charter buses provided by Awesome Charters and Tours out of Fresno.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

Disney's Senior Grad Nite does not support a specific Board goal, but it does celebrate and promote graduating high school. Board approval is needed for all overnight travel involving students.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None.

SPECIFIC FINANCIAL IMPACT:

Each student will need to pay for Grad Nite. Cost is \$240 with an ASB card and \$250 without an ASB card. For every 20 students, Disneyland gives a free chaperone ticket. The money goes towards a one-day park hopper pass and charter buses for the trip.

ORIGINATOR: Veli Gurgen, Principal, Los Banos High School

DATE: October 10, 2019

Board Reference Material

SUBJECT TITLE: Teacher Out-of-State Travel

REQUESTED ACTION: Approve

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve travel for Alisha De La Cruz to attend the 2021 Teach Your Heart Out Cruise Conference from July 12-16, 2021 in Miami, Key West, and Cozumel.

BACKGROUND INFORMATION:

The Teach Your Heart Out Conference was created for educators, classroom teachers, school administrators, and curriculum specialists who are committed to professional development. The developers of the conference believe professional development is one of the most important activities a teacher can share with his/her class. Our mission is to provide teachers with innovative, life-changing, and one-of-a-kind professional development opportunities that can be implemented immediately.

During this four-day conference, small and large group sections will tackle, headfirst, the following topics and much more: shaping your classrooms, brain science to achieve real student engagement, engagement and creativity to enhance your primary classroom, teaching every child beyond the classroom, growth mindset, make connections between diversity and our students using children's books, school culture, interactive bulletin boards, using technology in the classroom, and more.

By attending the conference teachers will have the opportunity to collaborate with teachers from all around the United States. Teachers will have an opportunity to use practical and proven practices to transform their classrooms into settings where students are engaged, challenged, and transformed.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not support a specific Board goal. All teacher out-of-state travel requires prior Board approval.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None identified.

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

There is no fiscal impact to the District. Conference cost is \$1351.60 per teacher, which will be paid out of the Los Banos Teachers Association up to \$1,800. Any excess amount will be covered by the employee.

ORIGINATOR: Renee Leonard, Principal, Los Banos Elementary School

DATE: October 10, 2019