

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
BOARD OF EDUCATION

Regular Meeting
June 15, 2011
5:30 p.m. – Closed Session; 6:30 p.m. – General Session
Support Services Center
2560 Skyway Drive, Santa Maria, CA 93455

The Santa Maria Joint Union High School District mission is to provide all students with an enriching high school experience that strives to enhance students' natural abilities, to promote the development of new capabilities, and to encourage the lifelong pursuit of wisdom and harmony as productive individuals in their community.

Any materials required by law to be made available to the public prior to a meeting of the Board of Education of the District can be inspected at the above address during normal business hours.

Individuals who require special accommodations including, but not limited to, American Sign Language interpreter, accessible seating or documentation in accessible formats should contact the superintendent or designee within a reasonable time before the meeting date.

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	Unless otherwise announced, the next regular meeting will be held on July 13, 2011 (if needed), with a closed session at 5:30 p.m. and open session at 6:30 p.m. at the Santa Maria Joint Union High School District Support Services Center at 2560 Skyway Drive, Santa Maria, CA 93455	20
XII.	Adjourn	20



CSBA

PROFESSIONAL GOVERNANCE STANDARDS

Adopted by the Santa Maria Joint Union High School District April 11, 2001

THE BOARD

School districts and county offices of education are governed by boards, not by individual trustees. While understanding their separate roles, the board and superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively.

To operate effectively, the board must have a unity of purpose and:

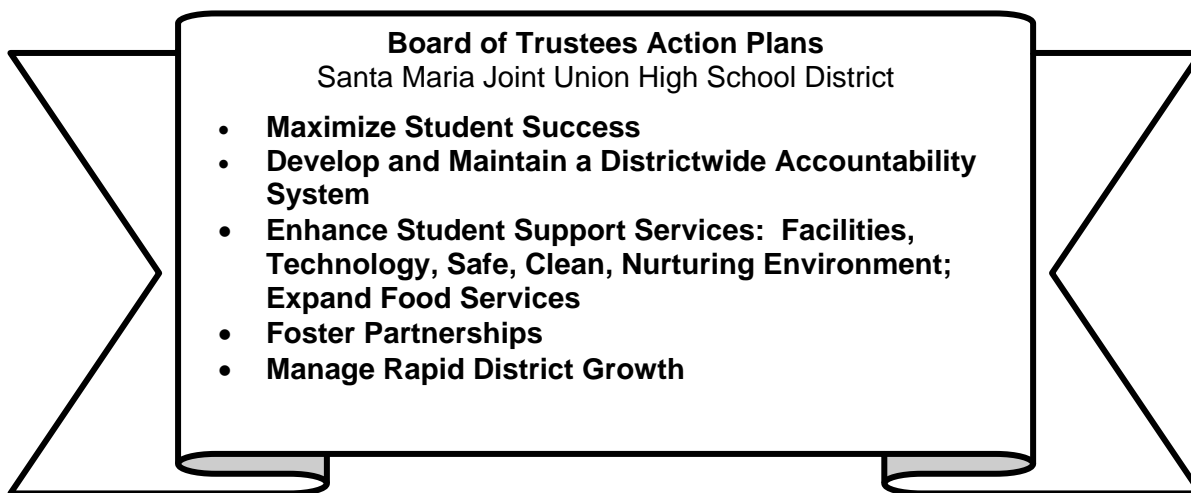
- Keep the district focused on learning and achievement for all students.
- Communicate a common vision.
- Operate openly, with trust and integrity.
- Govern in a dignified and professional manner, treating everyone with civility and respect.
- Govern within board-adopted policies and procedures.
- Take collective responsibility for the board’s performance.
- Periodically evaluate its own effectiveness.
- Ensure opportunities for the diverse range of views in the community to inform board deliberations.

THE INDIVIDUAL TRUSTEE

In California’s public education system, a trustee is a person elected or appointed to serve on a school district or county board of education. Individual trustees bring unique skills, values and beliefs to their board. In order to govern effectively, individual trustees must work with each other and the superintendent to ensure that a high quality education is provided to each student.

To be effective, an individual trustee:

- Keeps learning and achievement for all students as the primary focus.
- Values, supports and advocates for public education.
- Recognizes and respects differences of perspective and style on the board and among staff, students, parents and the community.
- Acts with dignity, and understands the implications of demeanor and behavior.
- Keeps confidential matters confidential.
- Participates in professional development and commits the time and energy necessary to be an informed and effective leader.
- Understands the distinctions between board and staff roles, and refrains from performing management functions that are the responsibility of the superintendent and staff.
- Understands that authority rests with the board as a whole and not with individuals.



THE BOARD'S JOBS

The primary responsibilities of the board are to set a direction for the district, provide a structure by establishing policies, ensure accountability and provide community leadership on behalf of the district and public education. To fulfill these responsibilities, there are a number of specific jobs that effective boards must carry out.

Effective boards:

- Involve the community, parents, students and staff in developing a common vision for the district focused on learning and achievement and responsive to the needs of all students.
- Adopt, evaluate and update policies consistent with the law and the district's vision and goals.
- Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.
- Hire and support the superintendent so that the vision, goals and policies of the district can be implemented.
- Conduct regular and timely evaluations of the superintendent based on the vision, goals and performance of the district, and ensure that the superintendent holds district personnel accountable.
- Adopt a fiscally responsible budget based on the district's vision and goals, and regularly monitor the fiscal health of the district.
- Ensure that a safe and appropriate educational environment is provided to all students.
- Establish a framework for the district's collective bargaining process and adopt responsible agreements.
- Provide community leadership on educational issues and advocate on behalf of students and public education at the local, state and federal levels.

THE SUPERINTENDENT:

- Promotes the success of *all* students and supports the efforts of the Board of Trustees to keep the district focused on learning and achievement.
- Values, advocates and supports public education and all stake holders.
- Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents and the community — and ensures that the diverse range of views inform board decisions.
- Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior.
- Serves as a model for the value of lifelong learning and supports the Board's continuous professional development.
- Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture.
- Recognizes that the board/superintendent governance relationship is supported by the management team in each district.
- Understands the distinctions between board and staff roles, and respects the role of the Board as the representative of the community.
- Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole.
- Communicates openly with trust and integrity including providing all members of the Board with equal access to information, and recognizing the importance of both responsive and anticipatory communications.
- Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the district.

**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
BOARD OF EDUCATION**

**Regular Meeting
June 15, 2011**

**Support Services Center
2560 Skyway Drive, Santa Maria, California 93455**



5:30 p.m. Closed Session/6:30 p.m. General Session

The Santa Maria Joint Union High School District mission is to provide all students with an enriching high school experience that strives to enhance students' natural abilities, to promote the development of new capabilities, and to encourage the lifelong pursuit of wisdom and harmony as productive individuals in their community.

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I. Open Session

Call to Order

II. Closed Session Public Comments

This section of the agenda is intended for members of the public to address the Board of Education on items involving the school district that are being considered in Closed Session. Such testimony shall be limited to three minutes each person and fifteen minutes each topic. If an answer to a specific question is requested, the Board President will, if appropriate, direct administration to respond in writing.

III. Adjourn to Closed Session

Note: The Board will consider and may act upon any of the following items in closed session. They will report any action taken publicly at the end of the closed session as required by law.

- A. Student Matters – The Board will review 14 requests for re-admission from expulsion. *NOTE:* The education code requires closed sessions in these cases to prevent disclosure of confidential student record information.
- B. Certificated and Classified Personnel Actions. The Board will be asked to review and approve hiring, transfers, promotions, evaluations, terminations, and resignations as reported by the Assistant Superintendent, Human Resources.
- C. Conference with Labor Negotiators. The Board will be provided a review of

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negotiations with the Faculty Association (California Teachers Association) and the California School Employees Association (CSEA).

IV. Reconvene in Open Session

Call to Order/Flag Salute

V. Announce Closed Session Actions

The Board will announce the following actions:

- A. Student Matters – The Board will review 14 requests for re-admission from expulsion. *NOTE:* The education code requires closed sessions in these cases to prevent disclosure of confidential student record information.
- B. Certificated and Classified Personnel Actions. The Board will be asked to review and approve hiring, transfers, promotions, evaluations, terminations, and resignations as reported by the Assistant Superintendent, Human Resources.
- C. Conference with Labor Negotiators. The Board will be provided a review of negotiations with the Faculty Association (California Teachers Association) and the California School Employees Association (CSEA).

VI. Items Scheduled for Information

A. Superintendent's Report

- 1. Santa Maria High School Alumni Presentation – Karl Bell (SMHS New Pool)
- 2. FFA Association Outstanding Advisor Recognition – Hector Guerra
- 3. Recognition of Retirees

<u>Name</u>	<u>Assignment</u>	<u>Years in District</u>
Addison, Alice	SMHS	38
Amezcuca, Art	SMHS	35
Baldiviez, Ralph	SMHS	37
Barnett, Ed	SMHS	20
Bunkelman, Brad	SMHS	35
Campagne, Bob	SMHS	22
Castaneda, Linda	PVHS	12
Jimenez, John	SMHS	36
McNamara, Kevin	RHS	25
Moore, Doak	RHS	37
Morales, Rita	RHS	20
Reineke, Barbara	SMHS	22
Rodriguez, John	PVHS	39

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Sly, Bob	SMHS	36
Talamantes, Alonzo	SMHS	32
Trumbull, John	RHS	27
Ringstead, Dee	PVHS	38
Pritchard, Kathy	D.O.	40
Herrod, Leonard	SMHS	29
Litchfield, Lenora	PVHS	33
Medina, Jolene	RHS	23
Nartatez, Roberta	SMHS	14
Pruitt, Darryl	RHS	6

- B. Recognition of Student Board Representatives: Eric Salazar, Delta; Lauren Gomes, Santa Maria; Melissa Tinoco, Pioneer Valley; and Sensika Niyathapala, Righetti.
- C. Reports from Employee Organizations
- D. Board Member Reports

VII. Items Scheduled for Action

A. Instruction

1. Santa Maria High School Single School Plan - Revision

Joe Domingues, Santa Maria High School Principal, and the Santa Maria School Site Council is requesting board approval to revise the Single School Plan (2010-11) to reflect moving Title I and EIA-SCE money to support the implementation of Reading 180. The dollar amount needed to support the implementation of the reading program is \$53,859.67. The Board had previously approved the school plan in December, but due to significant changes, board approval is required.

*** **IT IS RECOMMENDED THAT the Board of Education approve the revision to Santa Maria High School's Single School Plan as presented.**

Moved _____ **Second** _____ **Vote** _____

2. Consolidated Application (Part 1) 2011-12

The Santa Maria Joint Union High School District is requesting that the Board of Education approve the Consolidated Application for Funding (Part 1) for the 2011-2012 school year, which includes Title I, Title II, Title III, Title IV, and Economic Impact Aid.

The 2011-2012 Consolidated Application for Funding Categorical Programs, Part II, which includes:

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- Title I—improving the academic achievement of the disadvantaged
- Title II – A: Teacher and Principal Training and Recruiting
- Title III – English Learners
- Title IV – Safe and Drug-Free Schools and Communities
- Economic Impact Aid – state categorical program that provides supplemental funds for supplemental funds for services for ELs and compensatory education for economically disadvantaged students.

These funds provide a wide array of instructional and supportive services to support student success in our district.

*** **IT IS RECOMMENDED THAT the Board of Education approve the Consolidated Application for Funding as presented.**

Moved _____ Second _____ Vote _____

3. Approve the Parameters for Integrated Mathematics Program (IMP) Action Research Project for Santa Maria High School for the 2011-12 school year.

Corrective Action for SMJUHSD, which is in year 3+ of Program Improvement, includes the uniform adoption, implementation, and training in state – approved instructional materials for Algebra 1. Based upon some initial data provided by Chris Paulus, mathematics department co-chairperson at Santa Maria High School, students enrolled in the Integrated Mathematics Program, across all subgroups, have demonstrated proficiency rates on the CST that meet or exceed those of students enrolled in other mathematics courses throughout the district. The purpose of this Action Research Inquiry is to determine if an integrated mathematics course pathway, using IMP curriculum may continue to be used on a limited basis as an alternative A-G approved pathway for three courses in mathematics. This action research inquiry will be guided by the district and monitored by the district and the district's DAIT provider, the Santa Barbara County Office of Education.

*** **IT IS RECOMMENDED THAT the Board of Education approve the parameters for Integrated Mathematics Program (IMP) Action Research Project for Santa Maria High School for the 2011-12 school year as outlined in Appendix C.**

Moved _____ Second _____ Vote _____

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4. Approve to Pilot College Preparatory Mathematics (CPM) program in Mr. Felix's AP Calculus Class at Santa Maria High School

Approval to pilot College Preparatory Mathematics (CPM) program in Mr. Manuel "Trey" Felix's AP Calculus class at Santa Maria High School during the 2011-12 school year. CPM is providing 22 student textbooks and one teacher's edition at no cost to the District. Mr. Felix will collaborate with Mr. Jeff Appel, the AP Calculus teacher for the past two years, to compare the differences in curriculum between the current textbook and the CPM book. In addition, data between the two teachers' classes will be analyzed, including AP test scores. This one-year pilot will be re-evaluated at the conclusion of the 2011-12 school year upon receiving the AP test results

*** **IT IS RECOMMENDED THAT the Board of Education approve allowing Mr. Felix to pilot College Preparatory Mathematics (CPM) program in his AP Calculus class at Santa Maria High School during the 2011-12 school year.**

Moved _____

Second _____

Vote _____

5. Approve to Extend the Pilot of the Algebra Bridge to Geometry course districtwide during the 2011-12 school year.

The *Algebra Bridge to Geometry* course is currently being piloted at Pioneer Valley High School. The Board of Education approved this one-year pilot last year. The course is designed to provide strategic support to those students, particularly at the sophomore level, on track in fulfilling University of California's entrance requirements but needing additional assistance before taking Geometry. Math teacher representatives from each of the high schools will refine the current course outline on June 20, 2011.

*** **IT IS RECOMMENDED THAT the Board of Education approve extending the pilot of the *Algebra Bridge to Geometry* mathematics course districtwide during the 2011-12 school year.**

Moved _____

Second _____

Vote _____

6. Agricultural Career Technical Education Incentive Grants and Specialized Grant Funding for 2011-12

The Board of Education is requested to approve the applications for funding of the Agricultural Career Technical Education Incentive Grants for Ernest Righetti High School, Pioneer Valley High School, and Santa Maria High School. Ernest Righetti High School is also applying for Specialized Grant Funding under the Agricultural Career Technical In-

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centive Grant guidelines. The Agricultural Career Technical Education Incentive Grant provides local educational agencies (LEAs) with funds to improve the quality of their agricultural career technical education programs. The goal is to maintain a high-quality, comprehensive agricultural career technical program in California's public school system to ensure a constant source of employable, trained, and skilled individuals. The grant application funding amounts per school site being requested are:

- *Righetti High School* is requesting approval to submit an application for the \$26,120 under the Agricultural Career Technical Incentive Grant for 2011-12 and an additional \$10,000 under the specialized grant funding.
- *Pioneer Valley High School* is requesting approval to submit an application for the \$20,240 under the Agricultural Career Technical Incentive Grant for 2011-12.
- *Santa Maria High School* is requesting approval to submit an application for the \$29,136 under the Agricultural Career Technical Incentive Grant for 2010-11.

*** **IT IS RECOMMENDED THAT the Board of Education approve the applications for funding of the Agricultural Career Technical Education Incentive Grants for Ernest Righetti High School, Pioneer Valley High School, and Santa Maria High School.**

Moved _____

Second _____

Vote _____

B. General

1. California Interscholastic Federation League Representation (CIF)

Education Code 33353(a) (1) gives the authority for high school athletics to high school governing boards. The code also requires that the boards, after joining CIF, designate their representatives to CIF leagues:

Athletic Directors:

TBD

Eric Albright

TBD

Santa Maria High School

Righetti High School

Pioneer Valley High School

*** **IT IS RECOMMENDED THAT the Board of Education approve the district's designated representatives to the CIF League as presented.**

Moved _____

Second _____

Vote _____

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2. Board Policies

The administration has reviewed the following amended or new Board Policies/Administrative Regulations, aligned with California School Boards Association updates, which are provided as education code and laws change.

The sections of proposed amendments are presented in Appendix D for the board's review and adoption. These policies/regulations will be included in the existing sections upon adoption.

Personnel – Series 4000

Tobacco Free Schools	BP/AR 3513.3
Special Education Staff	AR 4112.23
Health Examinations	AR 4112.4
Preretirement Part-Time Employment	AR 4117.11
Postretirement Employment	AR 4117.14
Temporary Athletic Team Coaches	BP/AR 4127
Employee Security	BP/AR 4158
Personal Illness/Injury Leave	AR 4161.1

*** **IT IS RECOMMENDED THAT the Board of Education approve the board policies/administrative regulations as presented.**

Moved _____ Second _____ Vote _____

3. Declaration of Need for Fully Qualified Educators

The Board of Education of the Santa Maria Joint Union High School District certifies that there is an insufficient number of certificated persons who meet the state's specified credential criteria and hereby approves the attached Declaration of Need for Fully Qualified Educators. The District will ensure that these instructors are provided support within their respective departments and are working towards full credential certification. Declaration of Need for the 2011/12 school year is attached.

*** **IT IS RECOMMENDED THAT the Board of Education approve the Declaration of Need for Fully Qualified Educators for the 2011/12 school year.**

Moved _____ Second _____ Vote _____

C. Business

1. Public Hearing to Receive and Expend Tier III Categorical Funds

The district's 2011/12 proposed budget recognizes the anticipated receipt of the "Tier III Categorical Funds" listed below. In accordance with

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Education Code Section 42605(c)(2), as a condition of the receipt of funds, the District is required to hold a public hearing at a regularly scheduled meeting to discuss, approve, or disapprove the proposed use of the funding.

TIER III CATEGORICAL FUND REVENUE ANTICIPATED TO BE RECEIVED IN 2011-12:

Program Name	Total Amount
CAHSEE Intensive Instruction & Services	\$237,785
Morgan Hart CSR	75,890
GATE	48,930
Instructional Materials	433,511
PAR	25,306
CBET	43,231
Pupil Retention Block Grant	160,808
Professional Development Block Grant	184,952
School & Library Improvement Block Grant	442,638
Carl Washington School Safety	246,217
Adult Education	452,772
Supplemental School Counselors	445,161
Arts & Music Block Grant	105,680
TOTAL TIER III Income to General Fund	<u>\$3,002,881</u>
State Deferred Maintenance to Fund 14	\$250,000

The administration recommends that the use of this funding be designated as the backfill for revenues lost due to the deficated Revenue Limit, which includes the lack of a funded COLA since 2007/08. These funds will be utilized to maintain certificated and classified staffing, to cover salaries and employee benefit obligation as defined by current Collective Bargaining agreements, and complete various facility maintenance projects in the District.

*** **IT IS RECOMMENDED THAT the Board of Education receive public comment, discuss and approve or disapprove the proposed use of funding as specified herein.**

A PUBLIC HEARING IS REQUIRED.

Moved _____

Second _____

Vote _____

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2. Budget Adoption for Fiscal Year 2011/12

Education Code Section 42127 requires that on or before July 1 of each year the Governing Board of the school district shall hold a public hearing on the budget to be adopted for the subsequent year. Pursuant to Education Code Section 33127, the adopted budget complies with the standards and criteria as established by the State Board of Education.

This district budget is built upon the Governor's May 2011 Revise Budget which proposed "flat funding" and no additional revenue limit cuts. It is a much improved position since the board last viewed the 2nd Interim budget report and demonstrates that the 2011/12 adopted budget will allow the district to meet its financial obligations during the fiscal year and subsequent two years.

However, due to the last several years of declining revenues, the district is faced with the challenge of balancing a budget that includes more than \$2.25 million in deficit spending.

Furthermore, it must be noted that the state legislature has not enacted a final state budget bill and if the final enacted budget changes significantly, then the issue of having to deal with the on-going deficit spending may have to be addressed before 2013/14.

The proposed budget for 2011/12 is available and is posted on the district website at <http://www.smjuhsd.k12.ca.us/files/2011-12%20Adopted%20Budget.pdf>

*** **IT IS RECOMMENDED THAT the Board of Education approve the budget for 2011/12.**

Moved _____

Second _____

Vote _____

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3. Energy Conservation Project

The district has been working for several months investigating energy conservation measures which could benefit the district by decreasing energy usage and cost and by improving the learning/working environment for students/staff. The board authorized district administration to work with Johnson Controls, Inc. to thoroughly examine measures for retrofits, upgrades and installations in numerous areas. Those measures include: lighting, energy management systems, HVAC systems, kitchen exhaust systems, computer power management, variable speed pump controls, irrigation, water wells and photo voltaic (solar) installations.

Resolution Number 18-2010-2011 is hereby presented to the board for consideration and adoption to authorize the administration to enter into a Performance Contract with Johnson Controls, Inc. for this Energy Conservation Project. The total estimated price of the Performance Agreement is \$16,277,044 and a five-year Measurement & Verification Services and Photo Voltaic (PV) Maintenance Contract of \$644,220. The draft of this agreement is currently under review by legal counsel. Additionally, district staff is continuing to work with financial advisors to determine the most cost-effective financing for this project. The financing recommendations will be brought forward at a future board meeting.

In accordance with Government Code Section 4217.12, et. seq., the district may enter into an energy services contract which provides energy conservation measures. The public notice has been published in the Santa Maria Times and posted in the district for more than two weeks. District administration has determined that pending available financing this performance contract is in the district's best interest.

A PUBLIC HEARING IS REQUIRED AT THIS TIME.

*** **IT IS RECOMMENDED THAT the Board of Education approve Resolution Number 18-2010-2011 authorizing the administration to enter into a Performance Contract for Energy Conservation measures with Johnson Controls, Inc. upon receiving final legal counsel opinion and cost-effective financing being obtained.**

Moved _____

Second _____

A ROLL CALL VOTE IS REQUIRED:

Mr. Tognazzini _____
Dr. Garvin _____
Dr. Karamitsos _____

Dr. Reece _____
Dr. Walsh _____

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**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
RESOLUTION NUMBER 18 - 2010-2011**

**ENERGY CONSERVATION PROJECT -
PURSUANT TO GOVERNMENT CODE SECTION 4217.12, APPROVING PERFORMANCE CONTRACT AND AUTHORIZING THE SUPERINTENDENT OR HIS DESIGNEE TO EXECUTE AGREEMENTS AND TAKE OTHER REQUIRED APPROPRIATE ACTIONS**

WHEREAS, it is the policy of the State of California and the intent of the State Legislature to promote feasible means of energy conservation and feasible uses of alternative energy supply sources; and

WHEREAS, California Government Code section 4217.12 et seq., authorizes public agencies to enter into energy service contracts and related agreements to implement the State's conservation and alternative energy supply source policy; and

WHEREAS, the Santa Maria Joint Union High School District ("District") desires to implement conservation measures and/or identify alternative energy service contract ("Agreement") pursuant to Government Code section 4217.12 which authorizes the District to enter into an energy service contract and any necessarily related facility ground lease on terms that the Board determines are in the best interests of the District if the Determination is made at a public hearing, public notice of which is given two (2) weeks in advance, and the Board finds that the anticipated costs to the District for thermal or electrical energy or conservation services provided under the contract will be less than the anticipated marginal costs to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of purchases under the contract; and

WHEREAS, on June 1, 2011 the District published notice of its intent to consider entering into the Agreement held on June 15, 2011; and

WHEREAS, pursuant to Government Code section 4217.12, the Board held a public hearing on June 15, 2011 to receive public comment on the Agreement; and

WHEREAS, the Board now proposes to enter into the Performance Agreement substantially as to final form and subject to conditions herein presented to this meeting, (and available on the district's website as part of the Board Agenda), and incorporated herein by reference as Exhibit A; and,

NOW, THEREFORE, based upon the above-referenced recitals, the Board hereby determines, finds, declares, and orders as follows:

1. The terms of the Agreement with Johnson Controls, Inc., are in the best interests of the District.

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2. The anticipated cost to the District for thermal or electrical energy services provided under the Agreement will be less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of purchases under the agreement.
3. The District's Superintendent or his designee is authorized and directed to execute, acknowledge, and deliver the Agreement (subject to approval by the District legal counsel) and with any changes, insertions and omissions therein as may be approved by the officer who executes said Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement.
4. This Board hereby determines that because the project ("Project") contemplated herein will not increase existing student capacity at its existing schools by, the lessor of, 25% or by ten classrooms, the Project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to section 15314, Title 14 of the California Code of Regulations. The District Superintendent is hereby directed to provide and file a notice of this categorical exemption as may be required by law.
5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Education of the Santa Maria Joint Union High School District this 15th day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board of Education President/Clerk/Secretary
Santa Maria Joint Union High School District

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4. Reimbursement Resolution for Energy Project

The district desires to finance the Energy Conservation Project with the proceeds of the sale of Certificates of Participation (COPs) or other tax-exempt funding. However, since some expenses may be required to be paid with district funds prior to the closing of such financing, a reimbursement resolution is required to allow for repayment of such expenses upon receipt of the financed funds.

Resolution Number 19-2010-2011 printed on pages 14-16 authorizes reimbursement from the applicable tax exempt financing.

***** IT IS RECOMMENDED THAT the Board of Education approve Resolution Number 19 authorizing reimbursement of any district funds paid for the Energy Conservation Project from the applicable tax exempt financing.**

Moved _____

Second _____

A ROLL CALL VOTE IS REQUIRED:

Mr. Tognazzini	_____
Dr. Garvin	_____
Dr. Karamitsos	_____
Dr. Reece	_____
Dr. Walsh	_____

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**SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
RESOLUTION NO. 19 – 2010-2011**

**INTENTION TO REIMBURSE EXPENDITURES FOR PROJECT COSTS
FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS**

WHEREAS, the Santa Maria Joint Union High School District (the “District”) is a political subdivision organized and existing under the laws of the State of California; and

WHEREAS, the Board of Education of the District desires to finance the costs of acquiring, improving, constructing, reconstructing, renovating, and/or equipping certain energy efficiency and renewable energy improvements and other facilities of the District, as provided in Exhibit A attached hereto and incorporated by reference herein (collectively, the “Project”); and

WHEREAS, the District intends to finance the Project or portions of the Project with the proceeds of the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the “Obligations”); and

WHEREAS, prior to the issuance of the Obligations the District desires to incur certain capital expenditures (the “Expenditures”) with respect to the Project from available moneys of the District; and

WHEREAS, the Board of Education of the District has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the District for the Expenditures from the proceeds of the Obligations;

NOW, THEREFORE, the board does hereby determines, finds, declares, and orders as follows:

1. The District hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations. Exhibit A describes the general character, type, purpose, and function of the Project, or the fund or account from which Project costs are to be paid and the general functional purpose of the fund or account.
2. The reasonably expected maximum principal amount of the Obligations is \$20,000,000.
3. This resolution is being adopted no later than 60 days after the date on which the District will expend moneys for the portion of the Project costs to be reimbursed from proceeds of the Obligations.
4. The District will make a reimbursement allocation, which is a written allocation that evidences the District’s use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

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5. The limitations described in Section 3 and Section 4 do not apply to (a) costs of issuance of the Obligations, (b) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Obligations, or (c) any preliminary expenditures, such as architectural, engineering, surveying, soil testing, and similar costs other than land acquisition, site preparation, and similar costs incident to commencement of construction, not in excess of twenty percent (20%) of the aggregate issue price of the Obligations that finances the Project for which the preliminary expenditures were incurred.
6. Each Expenditure will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Obligations, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the District so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the District.
7. This resolution is consistent with the budgetary and financial circumstances of the District, as of the date hereof. No moneys from sources other than the Obligation issue are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the District (or any related party) pursuant to their budget or financial policies with respect to the Project costs.
8. This resolution is adopted as official action of the District in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of District expenditures incurred prior to the date of issue of the Obligations.
9. All the recitals in this Resolution are true and correct and this Board of Education so finds, determines and represents.

PASSED AND ADOPTED by the Board of Education of the Santa Maria Joint Union High School District this 15th day of June, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Board of Education President/Clerk/Secretary
Santa Maria Joint Union High School District

EXHIBIT A

DESCRIPTION OF PROJECT

The projects to be financed include the: (i) costs related to the acquisition of equipment for use in connection with the development of photovoltaic/solar panel projects and costs related to the installation of such equipment within the District; (ii) costs related to the acquisition and installation in connection with energy efficiency project being contemplated within the District; and (iii) other miscellaneous costs associated with the projects described herein and other projects described in the District's capital plan to be financed in connection with the Obligations.

VIII. Consent Items

***** IT IS RECOMMENDED THAT the Board of Education approve the following consent items as presented.**

Moved _____ Second _____ Vote _____

A. Approval of Minutes

May 18, 2011- Regular Meeting

B. Approval of Warrants for the Month of May 2011

Payroll	\$5,123,815.67
Warrants	<u>1,354,415.83</u>
Total	<u>\$6,478,231.50</u>

C. Pupil Personnel Matters

Recommendation for student re-admission from expulsion.

Student Nos. 327958, 330338, 330493, 329780, 325208, 327709, 326641, 334333

Recommendation for student re-admission from expulsion who do not wish re- admission.

Student No.326539

Expelled students who did not meet the conditions of their suspended expulsion. Suspended expulsion will be revoked. Student will be referred to Fitzgerald Community School through December 2011.

Student No.: 327943

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Expelled students who did not meet the conditions of their expulsion and will remain at Fitzgerald Community School through December 2011.
Student Nos.: 331141, 331744, 331201, 330502

D. Acceptance of Gifts

Pioneer Valley High School

Donor	Recipient	Amount
Triplett & Son, Inc.	College Bound Seniors	\$110.00
Smith Electric	PVHS Band	100.00
Astra Club of the Central Coast Foundation, Inc.	Astra/Altrusa Club	1,500.11
Tim and Kim Hurd	Travis Hurd Scholarship	500.00
Media All Stars, Inc.	PVHS Athletics General	200.00
Home Motors	PVHS Boys Wrestling	100.00
Shannon Ellington Cleaning Services, Inc.	PVHS Football	465.00
Oasis Senior Center	Astra/Altrusa Club	100.00
FCA of the Central Coast Calif #1	PVHS FCA	100.00
United Black Students		
Union of Ca, Inc. Santa Maria	PVHS Black Student Union	127.00
Wal-Mart of Santa Maria	PVHS Band	200.00
Altrusa International Inc. of the Central Coast	FFA - OH	500.00
Marcie Baldiviez Guerra	Link Crew	300.00
TOTAL PIONEER VALLEY SCHOOL		<u>\$4,302.11</u>

Santa Maria High School

Donor	Recipient	Amount
Altrusa International	Scholarships	\$500.00
Santa Barbara County Cattlewomen	FFA Beef	200.00
SMHS Alumni Association	Scholarships	4,000.00
Jimenez, John	Saints Varsity Club	400.00
Laurel Labor Services Inc.	Automobile Club	500.00
Edward Barnett	Softball	100.00
Central Coast Pediatrics Inc.	Alpine Club	150.00
Rancho Laguna Farms, LLC	Class 2011	100.00
Gould Auction & Appraisal Co.	Football/Wrestling	125.00
Hanson, Cynthia	Girls Tennis	150.00
Saunders, John	Girls Tennis	150.00

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Quintana, Luis	Girls Soccer	100.00
SM Kiwanis for Kids	Key Club	415.00
SM FFA Boosters	FFA Convention	5,000.00
SM Police Officers Association	Wrestling	200.00
Challenger Harvest Inc.	Girls Basketball	100.00
Wells Fargo Foundation	Automobile Club	720.00
Community Health Centers	HOSA	500.00
McClure, Robert and Patricia	Girls Tennis	150.00
Marian Medical Center Auxiliary	HOSA	250.00
CIF Southern Section	Boys Golf	310.00
CIF Southern Section	Girls Golf	310.00
Rotary Club of Santa Maria Breakfast	Scholarship	1,500.00
Elks Lodge #1538	Scholarship	\$ 1,500.00
TOTAL SANTA MARIA SCHOOL		<u>\$17,430.00</u>

E. Student Teaching Agreements for 2011/12 School Year

California Polytechnic University/San Luis Obispo, Chapman University, National University, University of Phoenix, Western Governors University and California State University have requested the District's participation in their teacher training programs for the 2011/12 school year, whereby the District would provide teaching experience through practice teaching to their students. The District's participation in these programs benefit both the new teachers that are training for the teacher credentialing program and also allows the District first hand experience with prospective teaching candidates for future teaching vacancies.

F. Denial of Claim

1. The District is in receipt of a Claim for Damages from Geneoveva Martinez-Barrera with regards to alleged property damage that occurred on April 29, 2011.
2. The District is in receipt of a Claim for Damages from Michael C. and Gail R. Taylor with regards to alleged property damage that occurred on February 18, 2011.

It is recommended that the Board of Education deny the claims and refer the matters to the District's insurance carrier.

G. Request for Travel

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June 15, 2011

School	Instructor in Charge	Event/Location	Dates
RHS	Miguel Guerra	Officer Retreat (camping), Lake Nacimiento	6/14-17/11
	Lisa McGill	Varsity Cheer Camp, UCSB	8/1-4/11
	Debbie Philley	Varsity Dance Camp, California Lutheran University	8/5-7/11
SMHS	Calvert	End of Year banquet and fieldtrip, Magic Mountain & camping	5/27-29/11
	Lorin Cuthbert	Famoso Raceway, Bakersfield, CA	8/26-28/2011

Completed pre-arranged Absence and Release of Liability Forms with parent/guardian's signature are on file at each site. The names of students and chaperones are also on file and have been approved by the site principal.

H. Notice of Completion

The following projects have been substantially completed and in order to file the necessary Notice of Completion forms with the County of Santa Barbara, the Acceptance of Substantial Completion needs to be formally accepted by the Board of Education.

- 1) Delta High School – Continuation School Replacement – Phase 2 - Project #06-017; Vernon Edwards Constructors - General Contractor
- 2) Righetti High School – Administration Building Renovation – Project #08-040; Brannon Inc. dba Smith Electric Services – General Contractor

I. Approval/Ratification of Purchase Order

<u>P.O. #</u>	<u>Vendor</u>	<u>Amount</u>	<u>Description & Funding Source</u>
11-1586	Sierra School Equipment	\$93,945.16	Student desks & chairs, State Fiscal Stabilization Fund

J. 2011-12 Career Technical Education Application for Funding - Carl D. Perkins Career and Technical Education Improvement Act of 2006.

REGULAR MEETING

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Approval of Santa Maria Joint Union High School District's Application of Funding for 2011-12 Funding through the Carl D. Perkins Career and Technical Education Improvement Act of 2006 is being requested. The application was submitted to the California Department of Education. The tentative allocation is \$160,508. The purpose of this federal act is to improve career-technical education programs, integrate academic and career-technical instruction, serve special populations, and meet gender equity needs. SMJUHS's Career and Technical Education (CTE) teachers continue to collaborate and develop course sequences that lead to post-secondary education and/or careers. The CTE department chairpersons recently reviewed existing plans and identified priorities for the coming school year that will incorporate rigorous academic and CTE standards into all of the CTE courses.

K. Attendance Reports

Ms. Diane Bennett, Assistant Superintendent of Business Services, will be available to answer questions regarding the ninth month attendance report presented on page 21.

L Facilities Report, Appendix B

IX. Open Session Public Comments

The public may address the Board on any matter (except personnel) concerning the District and not on the agenda. Note: The time limit to address the Board may not exceed three minutes. The Board is not required to respond to the Public Comment. The public may also address the Board on each item on the Agenda as the Board takes up those items. Persons wishing to speak should complete a blue request form and hand it to the Board secretary.

X. Items not on the Agenda

Note: The law generally prohibits the Board from discussing items not on the agenda. Under limited circumstances, the Board may discuss and act on items not on the agenda if they involve an emergency affecting safety of persons or property, or a work stoppage, or if the need to act came to the attention of the District too late to include on the posted agenda.

XI. Next Meeting Date

Unless otherwise announced, the next regular meeting will be held on August 10, 2011, with a closed session at 5:30 p.m. and open session at 6:30 p.m. at the Santa Maria Joint Union High School District Support Services Center at 2560 Skyway Drive, Santa Maria, CA 93455.

XII. Adjourn

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
MONTHLY REPORT OF ATTENDANCE
NINTH MONTH OF 2010-11

March 28, 2011 through April 22, 2011

	Ninth Month 2009-10			Ninth Month 2010-11			Accumulated ADA			
	Ending Enrollment	ADA	ADA % of Poss. Enroll.	Ending Enrollment	ADA	ADA % of Poss. Enroll.	Prior Year		Current Year	
							ADA % to CBEDS	ADA	ADA % to CBEDS	ADA
ERNEST RIGHETTI HIGH										
Regular	2022	1951.00	96.2%	1995	1928.87	96.3%		1982.96		1991.91
Special Education	87	80.93	93.0%	89	85.80	95.8%		83.97		88.53
Independent Study	0	0.00	---	21	11.27	61.2%		0.00		5.27
Home and Hospital-Reg Ed	5	4.57	---	7	5.87	---		3.18		6.77
Home and Hospital-Spec Ed	1	0.36	---	3	1.60	---		0.61		2.15
TOTAL RIGHETTI	2115	2036.86	96.1%	2115	2033.40	96.3%	95.0%	2070.72	93.8%	2094.63
SANTA MARIA HIGH										
Regular	2028	1941.29	95.1%	2080	1974.93	94.8%		2050.07		2040.37
Special Education	107	94.29	90.5%	91	83.40	91.4%		89.91		84.65
Independent Study	0	0.00	---	82	59.53	69.6%		0.00		50.72
Home and Hospital-Reg Ed	7	7.00	---	4	2.73	---		6.35		3.21
Home and Hospital-Spec Ed	2	1.29	---	0	0.00	---		0.60		0.41
TOTAL SANTA MARIA	2144	2043.86	94.9%	2257	2120.60	94.7%	92.6%	2146.93	95.1%	2179.36
PIONEER VALLEY HIGH										
Regular	2262	2173.43	95.8%	2286	2214.27	96.6%		2257.49		2273.84
Special Education	168	155.43	92.7%	150	142.47	95.0%		164.00		149.11
Independent Study	0	0.00	---	105	47.73	45.5%		0.00		41.72
Home and Hospital-Reg Ed	8	7.36	---	11	10.00	---		3.90		7.58
Home and Hospital-Spec Ed	2	1.57	---	2	2.00	---		2.03		1.41
TOTAL PIONEER VALLEY	2440	2337.79	95.6%	2554	2416.47	96.5%	94.5%	2427.42	96.7%	2473.67
DISTRICT SPECIAL ED TRANSITION	12	11.57	96.4%	9	8.73	97.0%		11.25		8.84
ALTERNATIVE EDUCATION										
Delta Continuation	208	175.84	83.4%	313	241.73	76.6%		169.35		235.11
Delta Independent Study	0	0.00	---	42	26.46	64.5%		0.00		21.41
12 + Reg Ed DHS	0	0.00	---	11	4.99	42.3%		0.00		16.52
Home and Hospital Reg Ed	0	0.00	---	2	2.00	---		0.00		0.20
12 + Ind Study Prog PVHS	0	0.00	---	6	2.27	37.8%		0.00		6.30
12 + Ind Study Prog SMHS	0	0.00	---	16	8.53	51.8%		0.00		12.93
12 + Ind Study Prog RHS	0	0.00	---	3	1.20	40.0%		0.00		3.47
12 + Ind Study Prog DHS	0	0.00	---	15	11.24	74.0%		0.00		12.19
Freshman Prep	0	0.00	---	61	61.47	100.8%		0.00		64.24
Reach Program	0	0.00	---	26	22.10	81.5%		0.00		21.11
Home School @ Library Program	55	50.29	87.8%	57	51.40	90.3%		49.18		47.45
Independent Study-All Programs	366	252.21	68.9%	NOW SEPARATED BY SITE, SEE ABOVE				223.53		0.00
TOTAL ALTERNATIVE EDUCATION	629	478.33	75.6%	552	433.39	78.5%		442.07		440.94
TOTAL HIGH SCHOOL DISTRICT	7340	6908.40	94.0%	7487	7012.59	93.7%	93.0%	7098.40		7197.44

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

June 15, 2011

CERTIFICATED PERSONNEL ACTIONS

Name	Status	Action	Location	Salary	Effec. Dates	FTE	Assignment
	Permanent	Resign	RHS	I, 5	6/11/11	1.0	Special Ed/Severely Handicapped
	Management	New Title	DHS	Mgmt.	2011/12	1.0	DHS Principal/EL Coord.
	Permanent	Employ	SMHS	V, 22	2011/12	1.0	Special Education
	Permanent	Employ	RHS	TBD	2011/12	1.0	Special Education
	Permanent	Transfer	PVHS to DHS	V, 12	2011/12	1.0	Special Education
	Management	Transfer	SMHS to PVHS	Mgmt.	2011/12	1.0	Assistant Principal
	Permanent	Reassign	PVHS	V, 26	2011/12	1.0	Athletic Director
	Temporary	Employ	RHS	V, 3	2011/12	1.0	English
	Temporary	Employ	PVHS	III, 3	2011/12	1.0	Science
	Temporary	Employ	RHS	IV, 3	2011/12	1.0	Spanish
	Temporary	Employ	DHS	II, 2	2011/12	1.0	Mathematics
	Temporary	Employ	RHS	V, 5	2011/12	1.0	Art
	Temporary	Employ	SMHS	V, 5	2011/12	1.0	QEIA Counselor
	Temporary	Employ	SMHS	V, 8	2011/12	1.0	QEIA Counselor
	Temporary	Employ	DHS	III, 2	2011/12	1.0	Mathematics
	Temporary	Employ	SMHS	III, 5	2011/12	1.0	English
	Temporary	Employ	RHS	III, 2	2011/12	1.0	Social Sciences
	Temporary	Employ	SMHS	V, 4	2011/12	1.0	QEIA Counselor
	Temporary	Employ	SMHS	V, 10	2011/12	1.0	QEIA Counselor
	Temporary	Employ	RHS	II, 2	2011/12	1.0	Mathematics
	Temporary	Employ	SMHS	IV, 5	2011/12	1.0	English
	Temporary	Employ	SMHS	V, 5	2011/12	1.0	QEIA Counselor
	Temporary	Employ	PVHS	III, 2	2011/12	1.0	English
	Temporary	Employ	PVHS	IV, 3	2011/12	1.0	English
	Temporary	Employ	SMHS	V, 9	2011/12	1.0	QEIA Counselor
	Temporary	Employ	RHS	IV, 3	2011/12	1.0	Science
	Temporary	Employ	SMHS	IV, 4	2011/12	1.0	Social Sciences
	Temporary	Employ	SMHS	V, 3	2011/12	1.0	Home Ec
	Temp. to Probationary	Employ	SMHS	III, 3	8/13/2011	1.0	Mathematics
	Temp. to Probationary	Employ	Learning Center	IV, 5	8/13/2011	1.0	P.E./Health
	Permanent	Unpaid LOA	RHS	V, 9	2011/12	0.2	Spanish
	Probationary 1	Employ	SMHS	V, 9	7/1/2011	1.0	Athletic Director
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Earth Science
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	History
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	History
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Earth Science
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	History
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	History
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Algebra/Geometry
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Govt/Economics
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Biology
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	American Literature
	REGULAR ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	English

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

CERTIFICATED PERSONNEL ACTIONS (CONTINUED)

Name	Status	Action	Location	Salary	Effec. Dates	FTE	Assignment
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Biology
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-English
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-English
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Earth/General Science
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	History
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-ELD
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-ELD
	MIGRANT/ELD/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	ELD
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Learning Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Learning Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Learning Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Learning Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Learning Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Severely Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Severely Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-Severely Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-Severely Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-Severely Handicapped
	SPECIAL ED/SS	Summer School	SMHS	\$25 per hour	2010/11	~~~	Co-Severely Handicapped

CLASSIFIED PERSONNEL ACTIONS

Name	Action	Assignment	Site	Effective	Pay Rate	Hours
	Employ	Custodian	RHS	05/23/11	14/A	8
	Leave of Absence	Instructional Asst	SMIS	5/1/11 - 6/9/11	11/E	4
	Employ	Custodian	RHS	05/31/11	14/A	8
	Employ	Custodian	PVHS	05/31/11	14/A	8
	Employ	Custodian	PVHS	05/23/11	14/A	8
	Employ	Plumber	SMHS	05/31/11	28/A	8

Appendix B

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT
FACILITIES REPORT
May 2011

1. Delta High School Construction Projects

C2004 DHS Continuation School Replacement – WWCOT Architects

- Phase 1 and 2 final punch walks occurred May 16, 2011. Items identified during the punch walks will be corrected over the next few weeks.
- The Phase 1 substantial completion date was August 16, 2010. The Phase 2 substantial completion date is pending the Architects approval of punch item corrections.

2. Ernest Righetti High School Construction Projects

C2004 ERHS Administration Building Renovation – Westberg + White Architects

- A final project punch list walk occurred May 25, 2011. Full District access to the site began June 1, 2011.
- The project substantial completion date is pending the Architects approval of punch item corrections.

3. Santa Maria High School Construction Projects

C2004 SMHS New Pool – Rachlin Architects

- A pre-construction meeting was held on May 26, 2011 to discuss project requirements, timelines, submittals, pay application processes, etc.
- Construction remains scheduled for June 13, 2011 through May 5, 2012.

SMHS 4 Portables South Campus Relocation – Rachlin Architects

- Document and plan reviews continue for the relocation of 4 portables in preparation for construction on the pool project.
- Project bidding will follow DSA approval of the drawings.

C2004 SMHS New Classroom Building at Broadway – Rachlin Architects

- Schematic design reviews will begin over the next few months.

SMHS 6 Portables at Lincoln Street – Westberg + White Architects

- A pre-construction meeting was held on May 18, 2011 to discuss project requirements, timelines, submittals, and pay application processes.
- Construction is scheduled for June 13 through August 5, 2011.

4. Pioneer Valley High School Construction Projects

PVHS Remediation Phase 2: Building E, H, G, F, & J – Westberg + White Architects

- Submittals approvals and site reviews continue in preparation for the upcoming summer work.
- Construction is scheduled for June 13 through August 5, 2011.

PVHS Remediation HVAC System Installation – Westberg + White Architects

- Installation of CO2 monitors, new unitary controllers, and energy management field controllers will be included in the performance contract with Johnson Controls.
- It appears that additional powered exhausters, high static fans, and upgraded economizers will not be needed to maintain acceptable CO2 levels.

PVHS Performing Arts Building – Architect to Be Determined

- The District Facilities department developed a draft Request for Proposal for Architectural Services and a project schedule that is under review with legal counsel.

5. New Small School

C2004 New Small High School CTE Component – Architect to Be Determined

- Site reviews, access agreements, and needs assessments continue.
- The District Facilities department developed a draft Request for Proposal for Architectural Services and a project schedule that is under review with legal counsel.

6. District Wide Energy Upgrade

District Wide Energy Upgrade – Johnson Controls Inc.

- District managers continue to meet with Johnson Controls Inc. (JCI) representatives, project managers, engineers, and technicians to discuss scope refinements for each campus, schedules, technical verification, specifications, contracts, and finance options in preparation for multiple energy related projects.
- The Project Development Agreement was finalized. The Performance Contract is still pending final scope determination and legal counsel review.
- The project schedule is dependent on the completion of all reviews and approval of the Performance Contract.

REGULAR MEETING

June 15, 2011

Maintenance & Operations

The major activities in May revolved around the many end of year club and team celebrations as well as the preparation for graduation at all school sites.

PVHS

- Diagnosed and repaired the elevator in the science building.
- Performed holiday shutdown for Memorial Day.
- Repaired the cafeteria kitchen refrigerator.
- Replaced the cafeteria kitchen water heater.
- Upgraded the stadium sound equipment for graduation.
- Repaired showers at the pool.
- Setup 19 major events.
- Preventive work order hours – 10
- Routine work order hours - 66
- Total work orders completed – 81
- Event setup hours – 130

RHS / DHS

- Widened the walkway entering the front of the Science building.
- Performed holiday shutdown for Memorial Day.
- Dismantled the Home Economics preschool playground.
- Prepared Righetti High School and Delta High for graduation.
- Began painting of Bradley Road portable classrooms.
- Repaired weather-damaged fascia and siding on the weight room.
- Installed additional security cameras and replaced damaged units.
- DHS – installed SmartBoards.
- Preventive work order hours – 0
- Routine work order hours - 116
- Total work orders completed – 43
- Event setup hours - 13

SMHS

- Aerated the campus turf.
- Performed holiday shutdown for Memorial Day.
- Installed a windscreen at the football stadium.
- Improved the lighting under the visitor bleachers.
- Cleaned rain gutters on portable classrooms.
- Refinished the hall floor outside of the migrant classroom in the small gym building.
- Burnished the tile floor in the Administration main hallway.
- Replaced a termite-damaged door in the Arts and Crafts building.
- Federal Jobs Bill electrician, plumber, and groundskeeper all on staff – 75 Hours on projects.
- Preventive work order hours – 45
- Routine work order hours - 124
- Total work orders completed – 177
- Event setup hours – 183

Graffiti & Vandalism

- **RHS** \$ 400
- **DHS** \$ 100
- **SMHS** \$ 1,100
- **PVHS** \$ 0

Reese Thompson
Director – Facilities and Operations

Photo Gallery



Righetti High Administration Pre-Modernization



Righetti High Administration After Modernization

APPENDIX C

Parameters for Integrated Mathematics Program (IMP) Action Research Project Santa Maria Joint Union High School District - 2011/2012

Context: Corrective Action for SMJUHSD, which is in year 3 of Program Improvement, includes the uniform adoption, implementation, and training in state – approved instructional materials for Algebra 1. Based upon some initial data provided by Chris Paulus, students enrolled in the Integrated Mathematics Program, across all subgroups, have demonstrated proficiency rates on the CST that meet or exceed those of students enrolled in other mathematics courses throughout the district. The purpose of this Action Research Inquiry is to determine if an integrated mathematics course pathway, using IMP curriculum may continue to be used on a limited basis as an alternative A-G approved pathway for three courses in mathematics. This action research inquiry will be guided by the district and monitored by the district and the district's DAIT provider.

Site: Santa Maria High School only, with a maximum of 4 sections of IMP1

Teachers: Restricted to teachers who have had complete and ongoing training in IMP Curriculum and who complete the district sponsored SB 472 in 2011

Duration: 2011 – 2012 school year.
Continuation of the inquiry will be dependent upon demonstration of success as measured by student performance and successful implementation of all aspects of the research inquiry. If implementation expectations are met, continuation for the first semester of 2012 – 2013 school year will be approved. Continuation beyond that point will be determined on the basis of multiple measures of evidence, including the CST scores from 2011 – 2012.

Parameters:

Random Assignment: Assignment of students to IMP 1 must be random. All students (9-10th) designated to enroll in Algebra 1 at Santa Maria High School must have the same probability of being assigned to IMP. The demographic and past achievement characteristics of the IMP population must reflect the characteristics of the students enrolled in Algebra 1.

Comparison Matching: For purposes of data collection and comparison, each student enrolled in IMP 1 must be matched with at least one student enrolled in Algebra 1 on the all of the following characteristics to create comparison groups:

- CELDT level
- CST Math Performance band for the past 3 years
- CST ELA Performance band for the past year
- Grades in 7th and 8th grade mathematics courses
- Overall GPA within reasonable parameters

Data Monitoring and Reporting: Multiple measures including but not limited to grades, district benchmark performance and CST performance will be used to determine the effectiveness of IMP course and curriculum. With the district's support, Santa Maria High will submit a plan for data collection and reporting prior to the start of school and will work with the district administration to determine reporting and monitoring protocols. Student matching must be complete by October 1, 2011.

APPENDIX D

Board Policies for Approval – June 15, 2011 Board Meeting	
POLICY NUMBER	DESCRIPTION
BP/AR 3513.3	<u>Tobacco-Free Schools</u> : Policy revised to reflect CDE requirements related to certification of compliance with tobacco-free schools requirements. Policy adds definition of prohibited products, including nicotine delivery devices such as electronic cigarettes. Policy also reflects law regarding definition of “enclosed space” and conditions that must be met to provide employee breakrooms for smoking. Regulation revised to add new optional language regarding methods of disseminating information about the tobacco-free schools policy and enforcement procedures; and clarification that an employee is not required to physically eject a nonemployee who is smoking or request a nonemployee to refrain from smoking when doing so would involve a risk of physical harm to the employee.
AR 4112.23	<u>Special Education Staff</u> : Regulation updated to reflect new law which extends until 2013 the flexibility for teachers whose clear or preliminary credential authorizes instruction to students with mild and moderate disabilities to provide instruction to autistic students under specified conditions.
AR 4112.4	<u>Health Examinations</u> : Updated section on tuberculosis tests which reflects new law authorizing physician assistants to administer and verify results of tuberculosis tests, and clarifies that an applicant previously employed by a private or parochial school can fulfill the tuberculosis testing requirement by producing a certificate. Also reflects new court decision which held that, once a board decides to suspend or transfer a certificated employee suspected of suffering from a mental illness, it must proceed in accordance with procedures stated in Education Code 44942.
AR 4117.11	<u>Preretirement Part-Time Employment</u> : Revised to reflect new law which restricts the ability of a certificated employee to terminate a reduced workload agreement when the district has agreed to pick up the employee's contribution to the defined benefit program of STRS. Such an employee may terminate the reduced workload agreement only by terminating his/her service, retiring from service under the defined benefit program, entering into a new reduced workload agreement, or returning to full-time employment.

AR 4117.14	<u>Postretirement Employment</u> : Updated regulation reflects new law which revises exemptions to the postretirement compensation limitation under STRS by deleting exemptions for appointment to the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program, and adding exemption for any person appointed as a trustee to administer a program improvement district under the Local Educational Agency Intervention program.
BP/AR 4127	<u>Temporary Athletic Team Coaches</u> : Updated to reflect new law which requires noncertificated employee or volunteer who works with students in a student activity program such as an interscholastic athletic program (not just those who supervise, direct, or coach the activity) to obtain an Activity Supervisor Clearance Certificate from the CTC, unless the district requires the individual to clear a DOJ/FBI criminal background check prior to beginning the paid or volunteer duties.
BP/AR 4158	<u>Employee Security</u> : Updated policy reflects new court decision which ruled that the issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place. Updated regulation clarifies procedures to maintain confidentiality of student records when notifying a teacher or counselor of the need to review a student's file in the school office as required when the student has committed an offense.
AR 4161.1	<u>Personal Illness/Injury Leave</u> : Revised to more directly reflect law regarding the amount of sick leave an employee may use to attend to the illness of his/her child, parent, spouse, registered domestic partner, or domestic partner's child. Revised to reflect new court decision regarding period of differential pay limited to a total of five months per accident or illness, even if the employee works for a period of time between sick leave increments related to the same medical condition. Section on verification requirements adds information on the Genetic Information Nondiscrimination Act.

Tobacco-Free Schools

The Board of Education recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal References: (see next page)

Tobacco-Free Schools

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:
<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:
<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control:
<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Tobacco-Free Schools

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

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

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118, 4218 – Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Special Education Staff

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education programs (IEP). (5 CCR 80046.5, 80048.7)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (5 CCR 6100-6126; 20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80027.1)

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

Resource Specialists

The district's resource specialist program shall provide, but not be limited to: (Education Code 56362)

1. Resource specialist(s) to provide instruction and services for students whose needs have been identified in their IEPs and who are assigned to regular classroom teachers for a majority of the school day

Special Education Staff

A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.

2. Information and assistance for students with disabilities and their parents/guardians
3. Consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members
4. Coordination of special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. At the secondary school level, emphasis on academic achievement, career and vocational development, and preparation for adult life

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

Teachers of Students with Autism

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

In addition, a teacher whose education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)

1. He/she has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.
2. He/she has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

Personnel

AR 4112.23(c)

Special Education Staff

(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall report teacher assignments under the criteria specified in items #1 and #2 above to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State

Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal References (see next page)

Special Education Staff

Legal Reference:

EDUCATION CODE

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44258.9 Assignment monitoring

44265-44265.99 Special education credential

44325-44328 District interns

44830.3 District interns, supervision and professional development

56000-56865 Special education, especially:

56195.8 Adoption of policies

56361 Program options

56362-56362.5 Resource specialist program

56363.3 Maximum caseload; language, speech, and hearing specialists

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

3100 Waivers of maximum caseload for resource specialists

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staffing permit

80021.1 Provisional internship permit

80025.4 Substitute teaching, special education

80026 Declaration of need for fully qualified educators

80027.1 Special education limited assignment teaching permit

80046.1 Adapted physical education specialist

80046.5 Credential holders authorized to serve students with disabilities

80047-80047.9 Credentials to provide instructional services to students with disabilities

80048-80048.9.3 Credential requirements and authorizations

80070.1-80070.8 Resource specialist certificate of competence

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1401 Definition of highly qualified special education teacher

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

300.8 Definition of autism

300.18 Highly qualified special education teachers

300.156 Special education personnel requirements

Personnel

AR 4112.4(a)

4212.4

Health Examinations

4312.4

Tuberculosis Tests

No applicant shall be initially employed in a classified or certificated position unless, within the past 60 days, he/she has submitted to an intradermal tuberculin skin test or other approved tuberculin test and, if that test was positive, has subsequently obtained an x-ray of the lungs. The applicant shall submit to the district a certificate signed by an authorized health care provider indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

An applicant who was previously employed in another California school district or private or parochial school may fulfill the tuberculosis examination requirement either by producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Every district employee who tests negative shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Board of Education upon recommendation of the county health officer, for as long as the employee's test remains negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Tuberculosis tests for employees shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge or belief, he/she is free from active tuberculosis. In order to exempt the individual, the Board shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406)

The Superintendent or designee may exempt from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students. (Education Code 49406)

The Superintendent or designee may exempt a pregnant employee from the requirement that a positive tuberculin skin test be followed by an x-ray of the lungs, for a period not to exceed 60 days following termination of the pregnancy. (Education Code 49406)

Personnel

AR 4112.4(b)

4212.4

Health Examinations

4312.4

Medical Certification for Communicable Diseases for Certificated Employees

The Board shall not fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California or a retirant who has not been employed as a retirant, unless the district has on file a medical certification completed and submitted directly to the district by an authorized health care provider. (Education Code 44839, 44839.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

The medical certification shall certify that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. The medical examination referred to in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

The Board may require certificated employees and/or retirants to undergo, at district expense, a periodic medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the district shall follow the process specified in Education Code 44942 and the district's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

(cf. 4032 - Reasonable Accommodation)

(cf. 4118 - Suspension/Disciplinary Action)

Personnel

AR 4112.4 (c)

4212.4

Health Examinations

4312.4

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness

45122 Physical examinations

49406 Examination for tuberculosis

BUSINESS AND PROFESSIONS CODE

2700-2838 Nurses

3500-3546 Physician assistants

HEALTH AND SAFETY CODE

121525 Private and parochial school employees, examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

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

5503 Physical examination for employment of retired persons

5504 Medical certification procedures

COURT DECISIONS

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

Management Resources:

WEB SITES

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

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

Public Health Institute: <http://www.phi.org>

U.S. Food and Drug Administration: <http://www.fda.gov>

Regulation

Approved 6/15/11 (CSBA 11/10)

SMJUHSD

Santa Maria, CA

Preretirement Part-Time Employment

On a case-by-case basis, the Superintendent or designee may allow a certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

Any such certificated employee who reduces his/her workload to part time may maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis under the following conditions: (Education Code 22713, 44922)

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

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years were full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, the period of time during which an employee is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction.

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

4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.
6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment.
7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.
8. The agreement may be revoked only by mutual consent of the employee and the Superintendent or designee.

Preretirement Part-Time Employment

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program picked up by the district may not terminate the agreement to reduce his/her workload except by one of the following:

- a. Terminating his/her service
 - b. Retiring from service under the defined benefit program
 - c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
 - d. Returning to full-time employment
9. The period of the reduced workload shall not exceed 10 years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

22903 Payment of contributions by employer for tax deferred purposes

44922 Regulations; reduction to part-time employment

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

53201 Health and welfare benefits: election by officers and employees

Management Resources:

WEB SITES

California Public Employees' Retirement System: <http://www.calpers.ca.gov>

California State Teachers' Retirement System: <http://www.calstrs.com>

Postretirement Employment

The Board of Education may hire retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

Any retired certificated individual who is a member of the defined benefit program of the State Teachers' Retirement System (STRS) and who is hired by the district to perform services pursuant to this administrative regulation shall not make contributions to the retirement fund or accrue service credit based on compensation earned from that service. (Education Code 24214)

Any retired individual hired under this administrative regulation shall be paid at a rate commensurate with that of other district employees performing comparable duties. (Education Code 24214)

Beginning July 1, 2010, any certificated individual who is a member of STRS and who retires from service below normal retirement age shall not be hired for service pursuant to this administrative regulation for at least six calendar months after his/her retirement from service. (Education Code 24214.5)

Postretirement Compensation Limitation

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement compensation limitation set forth in Education Code 24116, 24214, and 24215
2. Maintain accurate records of the retired individual's compensation and report it monthly to STRS and the individual regardless of the method of payment or the fund from which the payments are made

When employing a retired individual eligible for any of the exemptions from the postretirement compensation limitation stated below, the Superintendent or designee shall submit to STRS, no later than June 30 of the school year for which the exemption is to apply, all required documentation to substantiate eligibility for the exemption. (Education Code 24216, 24216.5, 24216.6)

Exemption for Providing Specified Instructional Services

Until June 30, 2012, any retired certificated individual employed by the district shall be exempt from the compensation limitation for members of STRS provided that he/she retired from service with an effective date on or before January 1, 2009, and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12

Personnel

AR 4117.14(b)

Postretirement Employment

2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment program pursuant to Education Code 44279.1-44279.7

(cf. 4131.1 - Beginning Teacher Support/Induction)

3. Support to individuals completing student teaching assignments
4. Support to individuals participating in an alternative certification program pursuant to Education Code 44380-44386 or a school paraprofessional teacher training program pursuant to Education Code 44390-44393

(cf. 4112.21 - Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

5. Instruction and student services to students enrolled in special education programs pursuant to Education Code 56000-56885

(cf. 4112.23 - Special Education Staff)

6. Instruction to students enrolled in English language learner programs pursuant to Education Code 300-340, 400-410, and 430-446

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

7. Direct remedial instruction to students in grades 2-12 for the programs specified in Education Code 37252 and 37252.2

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6179 - Supplemental Instruction)

Retired individuals who are exempt from the limitation on compensation shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

Exemption for Appointment as Trustee/Administrator or for Emergency Situations

Until June 30, 2012, a retired certificated individual shall be exempt from the postretirement compensation limitation for a maximum period of 24 consecutive months if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant

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to Education Code 41320.1, appointed as a trustee by the State Board of Education pursuant to Education Code 52055.57-52055.60 (the Local Educational Agency Intervention program), or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

Until June 30, 2012, a retired individual shall be exempt from the postretirement compensation limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Board.

(cf. 9320 - Meetings and Notices)

4. The retired individual's termination of employment with the district is not the basis for the vacant administrative position.

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

(cf. 4117.13/4317.13 - Early Retirement Option)

Consultancy Contracts

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

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Legal Reference:

EDUCATION CODE

300-340 English language education
400-410 English language acquisition program
430-446 English Learner and Immigrant Student Federal Conformity Act
22119.5 Creditable service, definition
22461 Notice of earnings limitation
22714 Encouragement of retirement
22714.5 2+2 service and year credit option under STRS
22715 Additional service credit
22716 Unpaid services
24116 Service at California State University
24214 Creditable service by retiree
24214.5 Postretirement compensation limit; members below normal retirement age
24215 Service at California State University
24216 Payments to retirants in excess of limitation
24216.5 Exemption from earnings limitation
24216.6 Exemption from earnings limitation
35046 Consultancy contracts
37252-37254.1 Supplemental instruction
41320.1 Appointment of trustee
42120-42129 Budget completion
44279.1-44279.7 Beginning Teacher Support and Assessment Program
44380-44386 Alternative certification program
44390-44393 School paraprofessional teacher training program
44830 Employment of certificated employees
44830.3 Employment of district interns
44929 Service credit under STRS; additional two years
44929.1 2+2 service and year credit option under STRS
52055.57-52055.60 Local Educational Agency Intervention program
56000-56885 Special education

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation

Approved 6/15/11 (CSBA 11/10)

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The Board of Education desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee may employ a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

(cf. 4121 - Temporary/Substitute Personnel)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5131.1 - Bus Conduct)

(cf. 5131.63 - Steroids)

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

(cf. 5121 - Grades/Evaluation of Student Achievement)

Qualifications

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, obtain a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

An individual who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

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(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

Legal Reference:

EDUCATION CODE

35179-35179.7 Interscholastic athletics

44010 Sex offense

44011 Controlled substance offense

44332-44332.5 Temporary certificates

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

45125.01 Interagency agreements for criminal record information

45347 Instructional aides subject to requirements for classified staff

45349 Use of volunteers to supervise or instruct students

49024 Activity Supervisor Clearance Certificate

49030-49034 Performance-enhancing substances

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

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

National Athletic Trainers' Association: <http://www.nata.org>

Policy

Adopted 6/15/11 (CSBA 7/10)

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Qualifications

The Superintendent or designee shall establish minimum qualification criteria for temporary athletic team coaches. These criteria shall include, but not necessarily be limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of inservice programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)

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4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

(cf. 1240 - Volunteer Assistance)

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district

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

2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

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Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4212.5 - Criminal Record Check)

High School Coaching Education Program

Each high school athletic team coach or volunteer coach shall complete, at his/her expense, a coaching education program that meets the standards developed by the CIF. A high school coach who has completed the education program in another California school district shall be deemed to have met the requirement for this district. (Education Code 49032)

An individual who has not completed the education program may be assigned as a coach for no longer than one season of interscholastic competition. (Education Code 49032)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution

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10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association

(cf. 5131.63 - Steroids)

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

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The Board of Education desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Use of Pepper Spray

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow an employee to possess pepper spray that meets the requirements of Penal Code 12403.7 when justified by

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unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of an unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the Principal immediately
2. Immediately notify the Principal, who shall take appropriate action
3. Immediately call 911 and the Principal

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the Principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:**EDUCATION CODE**

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

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CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School crimes

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/ls/ss>

Policy

Adopted 6/15/11 (CSBA 3/11)

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An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the Principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the Principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to the Principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

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Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school Principal. (Welfare and Institutions Code 827)

The Principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The Principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the Principal or

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designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the Principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

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Personal Illness/Injury Leave

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five school days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination of service.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Any certificated employee who leaves the district after at least one school year of employment and accepts a certificated position in another district, county office of education, or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by a certificated employee for absences due to:

1. Temporary inability to perform his/her duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and recovery (Education Code 44965, 44978)

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

3. Personal necessity (Education Code 44981)

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

4. Medical and dental appointments, in increments of not less than one class period

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

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4361.1

Personal Illness/Injury Leave

6. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

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4361.1

Personal Illness/Injury Leave

Verification Requirements

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident, or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties up to five months after sick leave is exhausted

44978 Provisions for sick leave of certificated employees

44978.1 Inability to return to duty; placement in another position or on reemployment list

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44984 Industrial accident or illness

44986 Leave of absence for disability allowance applicant

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

Regulation

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SMJUHSD
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