

TO: MEMBERS, BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: C.3.b APPROVE 2012-2013 DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

ACTION

ISSUE: Shall the Board of Education approve the Declaration of Need For Fully Qualified Educators form CL-500 for the 2012/2013 denoting our potential need for use of emergency credentials?

BACKGROUND: In compliance with the new California requirement to submit annual declaration of need in anticipation of need for emergency credentialed staff, the Commission on Teacher Credentialing now requires each Board of Education to approve in public session, a declaration of anticipated needs in terms of staffing vacancies where emergency credentials may be needed.

ALTERNATIVES:

1. Approve the accompanying form CL-500 denoting a revision for our potential need for the use of emergency credentials.
2. Do not approve this Declaration of Need.

RECOMMENDATION: Alternative #1

RATIONALE: While we rarely have need to use other than a fully credentialed teacher, the "declaration of need" process allows us the option to retain the services of a partially credentialed teacher in hard to fill teaching areas, if needed.

Respectfully submitted,

 Anthony W. Knight, Ed.D.
 Superintendent

Prepared by:
 Leslie Heilbron, Ed.D.
 Assistant Superintendent, HR

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____



State of California
Commission on Teacher Credentialing
Certification, Assignment and Waivers Division
1900 Capitol Avenue
Sacramento, CA 95811-4213

Email: credentials@ctc.ca.gov
Website: www.ctc.ca.gov

DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

- ☒ Original Declaration of Need for year: 2012-2013
☐ Revised Declaration of Need for year: _____

FOR SERVICE IN A SCHOOL DISTRICT

Name of District: Oak Park USD District CDS Code: 73874

Name of County: Ventura County CDS Code: 56

By submitting this annual declaration, the district is certifying the following:

- A diligent search, as defined below, to recruit a fully prepared teacher for the assignment(s) was made
- If a suitable fully prepared teacher is not available to the school district, the district will make a reasonable effort to recruit based on the priority stated below

The governing board of the school district specified above adopted a declaration at a regularly scheduled public meeting held on 08 / 21 / 12 certifying that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) listed on the attached form. The attached form was part of the agenda, and the declaration did NOT appear as part of a consent calendar.

► *Enclose a copy of the board agenda item*

With my signature below, I verify that the item was acted upon favorably by the board. The declaration shall remain in force until June 30, 2013.

Submitted by (Superintendent, Board Secretary, or Designee):

Leslie Heilbron, Ed.D.

Name

Signature

Assistant Superintendent - HR

Title

818-879-0372

Fax Number

818-735-3226

Telephone Number

8/21/12

Date

5801 Conifer Street Oak Park, CA 91377

Mailing Address

lheilbron@oakparkusd.org

Email Address

FOR SERVICE IN A COUNTY OFFICE OF EDUCATION, STATE AGENCY OR NONPUBLIC SCHOOL OR AGENCY

Name of County _____ County CDS Code _____

Name of State Agency _____

Name of NPS/NPA _____ County of Location _____

The Superintendent of the County Office of Education or the Director of the State Agency or the Director of the NPS/NPA specified above adopted a declaration on ____ / ____ / ____, at least 72 hours following his or her public announcement that such a declaration would be made, certifying that there is an insufficient number of certificated persons who meet the county's, agency's or school's specified employment criteria for the position(s) listed on the attached form.

The declaration shall remain in force until June 30, _____.

► *Enclose a copy of the public announcement*

Submitted by Superintendent, Director, or Designee:

Name	Signature	Title
Fax Number	Telephone Number	Date
Mailing Address		
Email Address		

- This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits will be issued for service with the employing agency

AREAS OF ANTICIPATED NEED FOR FULLY QUALIFIED EDUCATORS

Based on the previous year's actual needs and projections of enrollment, please indicate the number of emergency permits the employing agency estimates it will need in each of the identified areas during the valid period of this Declaration of Need for Fully Qualified Educators. This declaration shall be valid only for the type(s) and subjects(s) identified below.

This declaration must be revised by the employing agency when the total number of emergency permits applied for exceeds the estimate by ten percent. Board approval is required for a revision.

Type of Emergency Permit	Estimated Number Needed
<input checked="" type="checkbox"/> CLAD/English Learner Authorization (applicant already holds teaching credential)	3
<input type="checkbox"/> Bilingual Authorization (applicant already holds teaching credential)	
List target language(s) for bilingual authorization:	
<input type="checkbox"/> Resource Specialist	
<input type="checkbox"/> Teacher Librarian Services	
<input type="checkbox"/> Visiting Faculty Permit	

LIMITED ASSIGNMENT PERMITS

Limited Assignment Permits may only be issued to applicants holding a valid California teaching credential based on a baccalaureate degree and a professional preparation program including student teaching.

Based on the previous year's actual needs and projections of enrollment, please indicate the number of Limited Assignment Permits the employing agency estimates it will need in the following areas:

TYPE OF LIMITED ASSIGNMENT PERMIT	ESTIMATED NUMBER NEEDED
Multiple Subject	
Single Subject	1
Special Education	
TOTAL	

EFFORTS TO RECRUIT CERTIFIED PERSONNEL

The employing agency declares that it has implemented in policy and practices a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring incentives included in the Teaching as a Priority Block Grant (refer to www.cde.ca.gov for details), participating in state and regional recruitment centers and participating in job fairs in California.

If a suitable fully prepared teacher is not available to the school district, the district made reasonable efforts to recruit an individual for the assignment, in the following order:

- A candidate who qualifies and agrees to participate in an approved intern program in the region of the school district
- An individual who is scheduled to complete initial preparation requirements within six months

EFFORTS TO CERTIFY, ASSIGN, AND DEVELOP FULLY QUALIFIED PERSONNEL

Has your agency established a District Intern program?

☐ Yes

☒ No

If no, explain. _____

Does your agency participate in a Commission-approved college or university intern program?

☒ Yes

☐ No

If yes, how many interns do you expect to have this year? 2

If yes, list each college or university with which you participate in an intern program.

CSUN, CLU, CSUCI

If no, explain why you do not participate in an intern program.

TO: BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: C.4.a APPROVE PROPOSED BOARD MEETING SCHEDULE FOR THE 2012-2013 SCHOOL YEAR

ACTION

ISSUE: Should the Board of Education approve the proposed Board Meeting schedule for the 2012-13 School Year.

BACKGROUND: The Board approved the 2012 meeting schedule through December 2012 at the December 6, 2011 Board Meeting. For planning purposes, the meetings for the entire 2012-2013 school year need to be scheduled. The Board has not approved the dates listed below beginning with January 2013 and we are asking the Board to consider the recommended dates at this time:

August 21, 2012	Single Regular Meeting in August
September 18, 2012	Single Regular Meeting in September
October 16, 2012	Single Regular Meeting in October
November 20, 2012	Single Regular Meeting in November
*December 4, 2012	Annual Organizational Meeting
(Falls within 15 days after 1 st Friday)	
January 15, 2013	Single Regular Meeting in January
February 19, 2013	Single Regular Meeting in February
March 19, 2013	Single Regular Meeting in March
April 16, 2013	Single Regular Meeting in April
May 21, 2013	Single Regular Meeting in May
*June 4, 2013	Budget Study Session Meeting
June 18, 2013	Single Regular Meeting in June
July TBD	Board Retreat
*First Tuesday of the month	

Respectfully submitted:



 Anthony W. Knight, Ed.D.
 Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

TO: BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: C.4.b APPROVE 2012-2013 MORAL IMPERATIVES, GOALS AND ACTION PLANS

ACTION

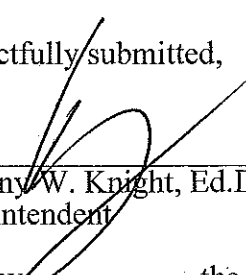
ISSUE: Shall the Board of Education approve the 2012-2013 Moral Imperatives, Goals and Action Plans?

BACKGROUND: On March 6, 2012 the Board of Education revised the 2012-2013 Moral Imperatives and Goals. On August 17, 2012, the District Leadership Team revised the action plans. The 2012-13 Moral Imperatives, Goals and Action Plans will be provided to the Board under separate cover.

ALTERNATIVES: 1. Approve the 2012-2013 Moral Imperatives, Goals and Action Plans.
 2. Revise and approve the 2012-2013 Moral Imperatives, Goals and Action Plans.

RECOMMENDATION: At Board's discretion.

Respectfully submitted,



 Anthony W. Knight, Ed.D.
 Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep.	_____	_____	_____	_____

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

**SUBJECT: C.5.a. APPROVE AMENDMENT TO BOARD POLICY 0410 –
NONDISCRIMINATION IN DISTRICT PROGRAMS AND
ACTIVITIES - First Reading**

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 0410 – Nondiscrimination in District Programs and Activities?

BACKGROUND: Board Policy 0410 is being updated to reflect new law (AB 887 and SB 559) which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identify. Policy also reflects federal regulations which 1) require newly constructed district facilities to comply, starting Mary 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs, and 2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity. Board Policy 0410 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 0410 – Nondiscrimination in District Programs and Activities.
2. Do not amend Board Policy 0410 – Nondiscrimination in District Programs and Activities.
3. Adopt a modified version of the amendment to Board Policy 0450 – Comprehensive Safety Plan.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,

Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE: AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0410(a)

Nondiscrimination In District Programs And Activities

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on race, color, ancestry, national origin, ethnic group **identification, age**, religion, marital or parental status, physical or mental disability, **sex**, sexual orientation, gender, gender identity or expression or genetic information; ~~or the perception of one or more of such characteristics;~~ **or association with a person or group with one or more of these actual or perceived characteristics.** ~~The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.~~

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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

(cf. 6145.2 - Athletic Competition)

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

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

(cf. 6178 - ~~Vocational~~ Career Technical Education)

(cf. 6200 - Adult Education)

~~Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related compliant procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups.~~

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 5145.6 - Parental Notifications)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans With Disabilities Act **and any implementing standards and/or regulations.**

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0410(b)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 – Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

(cf. 9320 – Meetings and Notices)

(cf. 9322 – Agenda/Meeting Materials)

~~The Superintendent or designee shall also provide information about related complaint procedures.~~

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

~~*(cf. 4031 – Complaints Concerning Discrimination in Employment)*~~

~~To the extent possible, the district's nondiscrimination policy shall be published in the individual's primary language.~~

~~*(cf. 5145.6 – Parental Notifications)*~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

1100 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and Regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interface with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 0000

Philosophy, Goals, Objectives & Comprehensive Plans

BP 0410(c)

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act
 1681-1688 Discrimination based on sex or blindness, Title IX
 2301-2415 Carl D. Perkins Vocational and Applied Technology Act
 6311 State plans
 6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
 2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
 104.1-104.39 Section 504 of the Rehabilitation Act of 1973
 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
 106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

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

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

WEB SITES

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

CDE: <http://www.cde.ca.gov>

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

Pacific Disability and Business Technical Assistance Center: <http://www.pacdbtae.org>

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

Adopted: 12-4-01

Amended: 9-17-02

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

SUBJECT: C.5.b APPROVE AMENDMENT TO BOARD POLICY 1250 – VISITORS/OUTSIDERS - First Reading

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 1250 – Visitors/Outsiders?

BACKGROUND: Board Policy 1240 is being revised to add new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children's education. Board Policy 1250 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 1250 – Visitors/Outsiders.
2. Do not amend Board Policy 1250 – Visitors/Outsiders.
3. Adopt a modified version of the amendment to Board Policy 1250 – Visitors/Outsiders.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1250(a)

Visitors/Outsiders

The Governing Board *believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board* encourages interested parents/guardians and *community* members of the community to visit the schools and *view participate in* the educational program.

To ensure *the safety of students and staff and* minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. *If a When a visit involves a conference with a teacher or the principal is* desired, an appointment should be set with the teacher during non-instructional time.

(cf. 6116 – Classroom Interruptions)

All outsiders, as defined in law and administrative regulation, ~~To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.~~

(cf. 1112 - Media Relations)

(cf. 3515.2 – Disruptions)

~~For purposes of school safety and security,~~ The principal or designee may ~~design~~ provide a visible means of identification for *all individuals, who are not students or staff members* visitors while on school premises.

No electronic listening or recording device may be used by *any person* students or visitors in a classroom without the teacher's and principal's permission. (Education Code 51512)

(cf. 5144 – Discipline)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 1312.4 – Williams Uniform Complaint Procedures)

(cf. 3515.2 – Disruptions)

Presence of Sex Offender on Campus

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 1000

Community Relations

BP 1250(b)

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

49091.10 Parental right to inspect instructional materials and observe school activities***51101 Parent Rights Act of 2002***

51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off

PENAL CODE

290 Sex offenders

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Adopted: 2-22-78

Amended: 5-28-80, 12-17-85, 1-8-91, 9-17-02, 10-21-03

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

**SUBJECT: C.5.c APPROVE AMENDMENT TO BOARD POLICY 5131 - CONDUCT
- First Reading**

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 5131 - Conduct?

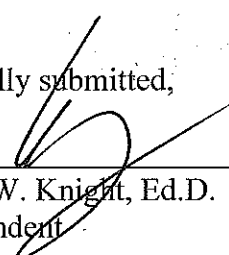
BACKGROUND: Board Policy 5131 is being revised to reflect new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and new law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans. Board Policy 5131 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 5131 - Conduct.
2. Do not amend Board Policy 5131 - Conduct.
3. Adopt a modified version of the amendment to Board Policy 5131 - Conduct.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(a)

Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program on school grounds, while going to or coming from school, while at school activities, and ~~while on or using~~ district transportation.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 – Positive School Climate)

(cf. 6145.2 – Athletic Competition)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with **Board** district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes but is not limited to:

1. Conduct that endangers students, staff and others, ***including but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats***

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. ***Discrimination***, harassment, ~~of students or staff, such as, including~~ intimidation, ***or bullying of students or staff, including sexual harassment, hate-motivated behavior***, cyberbullying, hazing or initiation activity, ~~ridicule~~, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm or substantial disruption, ~~in accordance with the section entitled “Bullying/Cyberbullying” below.~~

“Cyberbullying” includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds or images on the internet, social networking sites, or other digital technologies, using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person’s electronic account and assuming that person’s identity in order to damage that person’s reputation.

(cf. 5131.2 – Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(b)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to the district, staff or students

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

(cf. 5131.5 - Vandalism, Theft and Graffiti)

6. **Obscene acts or** use of profane, vulgar, obscene, discriminatory, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises **for a valid instructional or school-related purpose**, a students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

9. Use of cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or video recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5131(c)

10. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)
(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

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

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or **receive a report** ~~become aware~~ of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search will be conducted in accordance with BP/AR 5145.12 – Search and Seizure.

(cf. 5145.12 – Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, ***referral to a student success team or counseling services***, or denial of participation in extracurricular or cocurricular activities ***or other privileges*** in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 – Youth Services)

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

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Students

BP 5131(d)

(cf. 5020 – Parent Rights and Responsibilities)
(cf. 5127 – Graduation Ceremonies and Activities)
(cf. 5138 – Conflict Resolution/Peer Mediation)
(cf. 5144 – Discipline)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 – Parent Involvement)
(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6159.4 – Behavioral Interventions for Special Education Students)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6164.5 – Student Success Teams)
(cf. 6184 – Continuation Education)
(cf. 6185 – Community Day School)

Students may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communication Devices

~~Students may possess or use on campus personal electronic signaling devices, including but not limited to, pagers, beepers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptops computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests. If the device has the capability to capture digital images and/or take photographs of any kind the student shall be prohibited from using this capability. Permitted devices shall:~~

- ~~1. Be turned off and put away during the school day unless it is being used as part of an instructional activity or with the permission of the teacher.~~
- ~~2. Not disrupt the educational program or school activity.~~
- ~~3. May not utilize capability to capture digital images and/or take photographs of any kind at any time.~~

~~If disruption occurs or the student uses any mobile communications device for improper activities, the employee may direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she may either return it at the end of the class period or school day or activity, or keep it until the principal or designee has~~

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~~consulted with the student's parent/guardian.~~

~~In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.~~

~~(cf. 5145.12—Search and Seizure)~~

~~Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to or from a school-related activity.~~

~~A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.~~

~~The District is not responsible for lost or stolen cell/digital phones, pagers, beepers, mobile communication devices, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, laptop computers, iPods, iPads or any other personal equipment brought to school.~~

Bullying/Cyberbullying

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student contact.~~

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

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

~~The district may provide students instruction in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.~~

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 6163.4—Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.~~

~~(cf. 4131, 4231, 4331—Staff Development)~~

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BP 5131(g)

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7—~~

~~Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.~~

~~Any student who engages in cyberbullying on school premises, or off-campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

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

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

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of cellular while driving

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BP 5131(h)

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

*CSBA PUBLICATIONS**Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for all Students, Policy Brief, April 2010*

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

*WEB SITES*CSBA: <http://www.csba.org>California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>Center for Safe and Responsible Internet Use: <http://csriu.org> and <http://cyberbully.org>California Cybersafety for Children: <http://www.cybersafety.ca.gov>National School Boards Association: <http://nsba.org>National School Safety Center: <http://www.schoolsafety.us>U.S. Department of Education: <http://www.ed.gov>

Adopted: 5-25-78

Amended: 10-15-80, 5-15-84, 5-20-86, 8-5-92, 9-17-02, 11-16-04, 2-19-08, 3-17-09, 9-21-10

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

SUBJECT: C.5.d ADOPT BOARD POLICY 5131.2 – BULLYING- First Reading

ISSUE: Should the Board of Education adopt Board Policy 5131.2 – Bullying?

BACKGROUND: Board Policy 5131.2 is a new policy which contains materials formerly in BP 5131 – Conduct re: strategies for prevention and intervention of bullying. Policy reflects new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics. New law (AB 1156) which encourages the inclusion of bullying prevention strategies in comprehensive safety plans, and new law (AB 746) which expands the definition of bullying committed by means of an electronic act to including posting of messages on social media networks. Board Policy 5131.4 is being submitted with language recommended from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 5131.2 – Bullying.
2. Do not amend Board Policy 5131.2 – Bullying.
3. Adopt a modified version of the amendment to Board Policy 5131.2 – Bullying.

RECOMMENDATION: Approval of Alternative #1.

Respectfully submitted,

 Anthony W. Knight, Ed.D.
 Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

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BP 5131.2(a)

Bullying

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

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

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Bullying Prevention

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

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 5131.2(b)

incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131, 4231, 4331 - Staff Development)

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

Intervention

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

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

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 5131.2(c)

consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

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

653.2 Electronic communication devices, threats to safety

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BP 5131.2(d)

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

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

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

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

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

Adopted:

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

**SUBJECT: C.5.e APPROVE AMENDMENT TO BOARD POLICY 5144.1 –
SUSPENSION AND EXPULSION/DUE PROCESS – First Reading**

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process?

BACKGROUND: Board Policy 5144.1 is a mandated policy being reorganized to include language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises materials re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances. Board Policy 5144.1 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process.
2. Do not amend Board Policy 5144.1 – Suspension and Expulsion/Due Process.
3. Adopt a modified version of the amendment to Board Policy 5144.1 – Suspension and Expulsion/Due Process.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

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BP 5144.1(a)

Suspension And Expulsion/Due Process

The Governing Board *desires to provide district students access to education opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop* ~~has established policies~~ *rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.* ~~and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.~~

(cf. 5131 – Conduct)
(cf. 5144 – Discipline)

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

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

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

~~Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)~~

~~Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature~~ *or offenses for which suspension or expulsion is required by law*, ~~expulsion is~~ *shall be* used only when there is ~~the student involved has~~ a history of misconduct, ~~when other forms of discipline, including suspension, and other means of correction have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)~~

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the day.

(cf. 1020 – Youth Services)
(cf. 5138 – Conflict Resolution/Peer Mediation)

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BP 5144.1(b)

(cf. 6142.4 – Service Learning/Community Service Classes)
(cf. 6164.2 – Guidance/Counseling Services)
(cf. 6164.5 – Student Success Teams)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy or otherwise absent from assigned school activities.

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

Suspended or expelled students shall be denied the privilege of participation in all school-related extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 – Athletic Competition)

Progressive Discipline

~~Although the Oak Park Unified School District follows a progressive approach to student discipline, the acts enumerated in Education Code 48915 (“possessing, selling or otherwise furnishing a firearm; brandishing a knife at another person; unlawfully selling a controlled substance listed in section 11053 of the Health and Safety Code; committing or attempting to commit a sexual assault; and possession of explosives”) constitute serious threats to school and individual safety. As a result, they will be dealt with in a swift and appropriate manner as prescribed by Education Code. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.~~

~~The Superintendent or designee shall notify staff, students and parents/ guardians about the district's discipline policies and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of these policies.~~

Student Due Process

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

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BP 5144.1(c)

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

Removal from Class by a Teacher and Required Parental Attendance

~~The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.~~

Whenever is removing **ing** a student from a class because he/she **for** committed **ing** an obscene act, engaged in habitual profanity or vulgarity, disrupted **ing** school activities or otherwise willfully **defyingied** valid staff authority, the teacher of the class from which the student was removed may provide **require any** that the student's parent/guardian **who lives with the student to** attend a portion of a school day in that class from which the student was **is being** suspended, **to assist in resolving the classroom behavior problem.** (Education Code 48900.1)

~~Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.~~

The **Any** teacher **requiring parental attendance pursuant to this policy** shall apply **this the** policy uniformly to all students within the classroom. ~~This policy shall apply only to a parent/guardian who lives with the student.~~ (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

~~The notice shall specify that the attendance may be on either the date the student returns to class or within one week thereafter.~~

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. **(Education Code 48900.1)**

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact **his/her by telephone, mail, or other means that maintains the confidentiality of the student's records.** ~~any parents/guardians who do not respond to the~~

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

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BP 5144.1(d)

~~request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.~~

(cf. 5125 – Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

On-Campus ~~Supervised~~ Suspension Classroom Program

~~The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.~~

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised in-house classroom suspension program which meets the requirements of law. The use of such alternatives does not preclude off-campus suspensions. ~~for suspended students for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school and for whom an expulsion action has not been initiated.~~

~~The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.~~

Decision Not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(e)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32050 Hazing

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48666 Community day schools

48900-48926 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery fines

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.25-417.27 Laser scope

422.6 Interference with civil rights; damaging property

422.7 Aggravating factors for punishment

~~422.75 Protected classes~~

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5144.1(f)

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONST.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and

Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:**CSBA PUBLICATIONS***Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011***U.S. DEPARTMENT OF EDUCATION PUBLICATIONS***Civil Rights Data Collection Summary, March 2012***WEB SITES**CSBA: <http://www.csba.org>California Attorney General's Office: <http://www.caag.state.ca.us>CDE: <http://www.cde.ca.gov>*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>*U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

Adopted: 5-24-78

Amended: 10-15-80; 5-15-84; 5-2-95; 2-2-99; 2-20-01; 9-17-02; 6-17-03, 6-15-04, 3-22-05

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

**SUBJECT: C.5.f APPROVE AMENDMENT TO BOARD POLICY 5145.3 –
NONDISCRIMINATION/HARASSMENT – First Reading**

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 5145.3 – Nondiscrimination/Harassment?

BACKGROUND: Board Policy 5145.3 is a mandated policy is updated to reflect new law (AB 9) which requires policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, including gender identity and gender expression. Policy also adds language 1) prohibiting retaliation against students who file a complaint or report, and 2) requiring related training of students, parent/guardians, and employees. Board Policy 5145.3 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 5145.3 – Nondiscrimination/Harassment.
2. Do not amend Board Policy 5145.3 – Nondiscrimination/Harassment.
3. Adopt a modified version of the amendment to Board Policy 5145.3 – Nondiscrimination/Harassment.

RECOMMENDATION: Approval of Alternative #1.

Respectfully submitted,

Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(a)

Nondiscrimination/Harassment

The Governing Board desires to *provide a safe school environment that allows all students equal access and opportunities in the district's academic and other education support programs, services, and activities. The Board prohibits, at any school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.* ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to the student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student or other person in the district. Prohibited **discrimination, harassment, intimidation, or bullying** includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)

(cf. 6145 - Extracurricular and Cocurricular Activities)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(b)

*(cf. 6145.2 – Athletic Competition)**(cf. 6164.2 – Guidance/Counseling Services)*

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including but not limited to, instruction, guidance, and supervision.

*(cf. 5145.2 – Freedom of Speech/Expression)**(cf. 6145 – Extracurricular and Cocurricular Activities)**(cf. 6145.2 – Athletic Competition)**(cf. 6164.2 – Guidance/Counseling Services)*

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, or harassment, **intimidation, bullying, or retaliation** in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, **intimidation, bullying, or retaliation** shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Suspension/Disciplinary Action)**(cf. 4119.21/4219.21/4319.21 – Professional Standards)**(cf. 4218 - Dismissal/Suspension/Disciplinary Action)**(cf. 5131 – Conduct)**(cf. 5144 - Discipline)**(cf. 5144.1 - Suspension and Expulsion/Due Process)**(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))**(cf. 5145.2 – Freedom of Speech/Expression)*

Grievance Procedures

The Board hereby designates Superintendent as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Superintendent
Oak Park Unified School District
5801 E. Conifer Street
Oak Park, CA 91377
818-735-3206

(cf. 1312.1 - Complaints Concerning District Employees)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(c)

(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, **intimidation**, or **bullying** should immediately contact either the Coordinator, the principal or any other staff member. Any student or school employee who observes an incident of discrimination or harassment should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, **intimidation** or **bullying**, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment.

(cf. 5145.7 – Sexual Harassment)

Within 30 days of receiving the district's report, the complainant may appeal to the Board if she/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, **intimidation** or **bullying**, and the resources that are available to students who feel that they have been the victim of **any such behavior**. discrimination or harassment. The district's policy may also be posted on the district website or any other location that is easily accessible to students.

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District-Sponsored Social Media)

(cf. 6163.4 – Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.3(d)

48900.3 Suspension or expulsion for act of hate violence
 48900.4 Suspension or expulsion for threats or harassment
 48904 Liability of parent/guardian for willful student misconduct
 48907 Student exercise of free expression
 48950 Freedom of speech

48985 Translation notices

49020-49023 Athletic programs
 51500 Prohibited instruction or activity
 51501 Prohibited means of instruction
 60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Interference with constitutional right or privilege
 422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 197

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention – Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January, 1999

WEB SITES

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

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

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

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

**OAK PARK UNIFIED SCHOOL DISTRICT
BOARD POLICY**

Series 5000

Students

BP 5145.3(e)

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

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

Adopted: 10-15-80

Amended: 5-20-86, 8-18-92, 9-17-02, 9-21-10

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

SUBJECT: C.5.g APPROVE AMENDMENT TO BOARD POLICY 5145.7 – SEXUAL HARASSMENT –First Reading

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 5145.7 – Sexual Harassment?

BACKGROUND: Board Policy 5145.7 is a mandated policy updated to reflect new OCR guidance which clarifies that 1) sexual Violence (e.g. rape, sexual assault, sexual battery, sexual coercion) is a form of sexual harassment that must be addressed by districts in the same way as other forms of sexual harassment; 2) districts should providing information about the rights of students and parents/guardians to file a criminal complaint of sexual harassment as applicable; and 3) districts should response to sexual harassment that comes to their attention even when a victim requests anonymity. Board Policy 5145.7 is being submitted with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 5145.7 – Sexual Harassment.
2. Do not amend Board Policy 5145.7 – Sexual Harassment.
3. Adopt a modified version of the amendment to Board Policy 5145.7 – Sexual Harassment.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,

Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(a)

Sexual Harassment

The Governing Board is committed to maintaining **a safe school** ~~an educational environment~~ that is free from harassment and discrimination. The Board prohibits sexual harassment of students **at school or at school-sponsored or school-related activities**. ~~by other students, employees or other persons, at school or at school-sponsored or school-related activities.~~ The Board also prohibits retaliatory behavior or action against **any** persons who **files a** complaint, testifies, assist or otherwise participates in the ~~district~~ complaint processes.

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

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 4119.11/4129.11/4319.11 – Sexual Harassment)

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

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

Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same **sex and could involve sexual violence** gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
- 5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable**

(cf. 5131.5 – Vandalism, Theft and Graffiti)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(b)

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

Complaint Process

Any student who feels that he/she is being or has been sexually harassed ~~by a school employee, another student, or a non-employee~~ on school grounds or at a ***school-sponsored*** or school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 5141.4 – Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary *Actions* Measures

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

~~*(cf. 5131 – Conduct)*~~

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

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

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 5125 – Student Records)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

Legal Reference:

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 5000

Students

BP 5145.7(c)

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONSDonovan v. Poway Unified School District (2008) 167 Cal.App.4th 567Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

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

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

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Oona R. S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

Management Resources:**CSBA PUBLICATIONS****Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011****Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010****OFFICE OF CIVIL RIGHTS' PUBLICATIONS****Dear Colleague Letter: Sexual Violence, April 4, 2011**

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES**CSBA: <http://www.csba.org>**California Department of Education: <http://www.cde.ca.gov>**U.S. Department of Education, Office for Civil Rights OCR: <http://www.ed.gov/about/offices/list/ocr>**

Adopted: 3-2-93

Amended: 9-17-02, 6-9-09

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

**SUBJECT: C.5.h APPROVE AMENDMENT TO BOARD POLICY 6145 –
EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES -
First Reading**

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities?

BACKGROUND: Board Policy 6145 is a mandated policy updated to clarify that no fee may be charged to students for participation in extracurricular and co-curricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Board Policy 6145 is being submitted as with recommended changes from CSBA.

ALTERNATIVES:

1. Approve the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.
2. Do not amend Board Policy 6145 – Extracurricular and Co-Curricular Activities.
3. Adopt a modified version of the amendment to Board Policy 6145 – Extracurricular and Co-Curricular Activities.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE: AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(a)

Extracurricular and Co-curricular Activities

The Governing Board recognizes that extracurricular and co-curricular activities enrich the educational and social development and *enhance students' feelings of connectedness with the school.* experiences of students. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 – Use of School Facilities)
(cf. 5137 – Positive School Climate)
(cf. 6145.2 – Athletic Competition)
(cf. 5148.2 – Before/After School Programs)

No extracurricular or co-curricular program or activity shall be provided or conducted separately *on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases.* and no district student's participation in extracurricular and co-curricular activities shall be required or refused, based on the student's sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. Requirements *Prerequisites* for participation in extracurricular and co-curricular activities shall be limited to those that *have been demonstrated to be* are essential to the success of the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 6145.5 – Student Organizations and Equal Access)

Any complaint *alleging unlawful discrimination in* regarding the district's extracurricular and co-curricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and co-curricular activities related to the educational program, *including materials or equipment related to the activity.* because of inability to pay fees associated with the activity.

(cf. 3260 - Fees and Charges)
(cf. 3452 – Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and co-curricular activities, students in grades 7

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(b)

through 12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale *in all enrolled classes*
2. Maintenance of minimum progress toward meeting high school graduation requirements

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

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period of not more than one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (**Education Code 35160.5**)

(cf. 6164.5 – Student Study Teams)

(cf. 6176 – Weekend/Saturday Classes)

(cf. 6177 – Summer School)

(cf. 6179 – Supplemental Instruction)

Any decision regarding the eligibility of any child in foster care or a child of a *an active duty* military family for extracurricular or co-curricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 – Education for Foster Youth)

(cf. 6173.2 – Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and co-curricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and/or co-curricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 – Conduct)

(cf. 5131.1 – Bus Conduct)

(cf. 5144 – Discipline)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6145(c)

*(cf. 5144.1 – Suspension and Expulsion/Due Process)**(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))**(cf. 6145.2 – Athletic Competition)*

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49024 Activity Supervisor Clearance Certificate

49700-49704 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

WEB SITES

CSBA: <http://www.csba.org>California Association of Directors of Activities: <http://www.cada1.org>California Department of Education, Educational Options Office: <http://www.cde.ca.gov/ls/pf/ms>California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy/>**Commission on Teacher Credentialing:** <http://www.ctc.ca.gov>

Adopted: 4-26-80

Amended: 9-3-85, 1-5-99, 9-17-02, 3-16-10

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY KNIGHT, SUPERINTENDENT

DATE: ~~JUNE 19, 2012~~ AUGUST 21, 2012

SUBJECT: C.5.i. APPROVE AMENDMENT TO BOARD POLICY 6172 – GIFTED AND TALENTED STUDENT PROGRAM – First Reading

ISSUE: Should the Board of Education approve the proposed amendment to Board Policy 6172 – Gifted and Talented Student Program?

BACKGROUND: Board Policy 6172 is being submitted to update the policy to reflect the practice of accepting transferring students who were identified GATE in their previous district.

ALTERNATIVES:

1. Approve the amendment to Board Policy 6172 – Gifted and Talented Student Program.
2. Do not amend Board Policy 6172 – Gifted and Talented Student Program.
3. Adopt a modified version of the amendment to Board Policy 6172 – Gifted and Talented Student Program.

RECOMMENDATION:
Approval of Alternative #1.

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Pallant	_____	_____	_____	_____
Rosen	_____	_____	_____	_____
Yeoh	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(a)

Gifted and Talented Student Program

The Governing Board believes that all students deserve an education that challenges them to meet their full potential. The Board shall provide gifted and talented students in grades K-12 opportunities for learning commensurate with their particular abilities and talents.

(cf. 0200 – Goals for the School District)
(cf. 0420.1 – School-Based Program Coordination)
(cf. 6000 – Concepts and Roles)

The Board shall approve a district plan for gifted and talented education (GATE) which meets criteria established by the State Board of Education for program approval.

The district's program shall be designed to provide articulated learning experiences across subjects and grade levels and shall be aligned with and extend the state academic content standards and curriculum frameworks.

(cf. 6011 – Academic Standards)
(cf. 6142.7 – Physical Education)
(cf. 6142.8 – Comprehensive Health Education)
(cf. 6142.91 – Reading/Language Arts Instruction)
(cf. 6142.92 – Mathematics Instruction)
(cf. 6142.93 – Science Instruction)
(cf. 6178 – Career Technical Education)

Identification of Gifted and Talented Students

Students may be identified for the GATE program on the basis of demonstrated or potential abilities in any one or more of the following categories: (Education Code 52202; 5 CCR 3822)

1. Intellectual Ability: The student demonstrates extraordinary or potential for extraordinary intellectual development.
2. Creative Ability: The student characteristically perceives unusual relationships among aspects of the student's environment and among ideas, overcomes obstacles to thinking and doing, and/or produces unique solutions to problems.
3. Specific Academic Ability: The student functions at highly advanced academic levels in particular subject areas.
4. Leadership Ability: The student displays the characteristic behaviors necessary for extraordinary leadership.

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(b)

5. High Achievement: The student consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests.

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

(cf. 6142.6 – Visual and Performing Arts Education)

Students who enter the district already designated GATE by their previous district shall be automatically identified GATE in Oak Park Unified School District.

Instructional Components

The District's GATE program may include special day classes, part-time groupings and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. These programs may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, acceleration, postsecondary education, and enrichment. (Education Code 52206, 5 CCR 3840)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6141.5 - Advanced Placement)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6158 - Independent Study)

(cf. 6172.1 – Concurrent Enrollment in College Classes)

(cf. 6176 – Weekend/Saturday Classes)

(cf. 6177 - Summer School)

GATE students may regularly participate, on a planned basis in special counseling or instructional activity during or outside of the regular school day in order to benefit from additional educational opportunities not provided in the regular classroom. (5 CCR 3840)

(cf. 6164.2 – Guidance/Counseling Services)

In addition, the district may provide specialized services designed to assist underachieving, linguistically diverse, culturally diverse, and/or economically disadvantaged GATE students to achieve at level commensurate with their abilities. (5 CCR 3840)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 6174 – Education for English Language Learners)

The district's GATE program shall include an academic component and, as appropriate, instruction in basic skills for each student. (Education Code 52206)

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(c)

The district's program shall support the social and emotional development of GATE students in order to increase responsibility, self-awareness, and social awareness and adjustment.

Staff development shall be provided to support teachers of GATE students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.

(cf. 4131 - Staff Development)

Advisory Committee

The Superintendent or designee shall appoint an advisory committee to support the needs of the GATE program and to assist in program planning, implementation, and evaluation. The committee shall include the district's program coordinator, certificated staff, parents/guardians of GATE students, community members, and students as appropriate.

(cf. 1220 - Citizen Advisory Committees)

(cf. 6020 - Parent Involvement)

Program Evaluation

The Board shall annually review the progress of students enrolled in the district's GATE program and administration of the program using methods identified in the district's GATE plan, and may require modifications in the program as indicated by the results of this review. (5 CCR 3831)

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

37223 Weekend classes for mentally gifted minors

41500-41573 Categorical education block grants

48800-48802 Enrollment of gifted students in community college

51740 Instruction by correspondence

51745-51749.3 Independent study programs

52200-52212 Gifted and Talented Pupil Program

52800-52887 School-Based Program Coordination

64000 Categorical programs including in consolidated applications

64001 Single plan for student achievement, consolidated application programs

OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY

Series 6000

Instruction

BP 6172(d)

76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5

1633 Instruction by correspondence

3820-3870 Gifted and Talented Pupil Program

Management Resources:

CALIFORNIA ASSOCIATION FOR THE GIFTED PUBLICATIONS

GATE Standards Workbook: A Guide to Design, Improve and Assess Gifted Programs, 2005

Meeting the Standards: A Guide to Developing Services for Gifted Students, 2002

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Gifted and Talented Education Program Resource Guide, rev. 2005

Recommended Standards for Programs for Gifted and Talented Students, 2005

WEB SITES

CDE, Gifted and Talented Education: <http://www.cde.ca.gov/sp/gt>

California Association for the Gifted: <http://www.cagifted.org>

Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>

National Association for Gifted Children: <http://www.nagc.org>

Adopted: 9-17-02

Amended: 8-24-04, 2-21-06, 12-9-08

TO: MEMBERS, BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: 1. MONTHLY GENERAL FUND STATUS REPORT

INFORMATION

ISSUE: Shall the Board receive and review a status report on General Fund expenditures through July 31st of the 2012-13 fiscal year?

BACKGROUND: The Board maintains its awareness of the State's financial position and its significant impact on K-12 education, and more particularly on the Oak Park Unified School. It is critical that the Board and Administration carefully monitor the District's budget and expenditures to insure fiscal solvency. As a tool to assist in this process, the Administration has developed the attached General Fund Status Report, which will provide the Board with the most current budget and expenditure information available. This report will be updated and reported to the Board every month at its regular meeting, accompanied by staff analysis of the information.

The Business Office was still finalizing the monthly update as this agenda was going to press. The report will be delivered to the Board upon its completion and will be made available for public review at the same time.

RECOMMENDATION: None. Information only.

Prepared by: Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,

Anthony W. Knight, Ed.D.
Superintendent

TO: MEMBERS, BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: 2. MONTHLY MEASURE R BOND FUND FINANCIAL STATUS REPORT
INFORMATION

ISSUE: Shall the Board receive and review a status report on Measure R Fund income and expenditures through July 31st of the 2012-13 fiscal year?

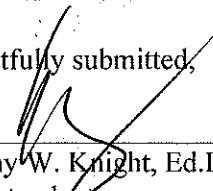
BACKGROUND: On November 4, 2008, Oak Park voters approved Measure R, School Improvement Bond of 2008, authorizing the issuance of general obligation bonds to repair and maintain school district facilities. The Board understands its obligation to use this resource effectively and efficiently to benefit both students and the Oak Park community. As a tool to assist in managing and monitoring the bond program, the Administration has developed the attached Measure R Bond Fund Status Report, which will provide the Board with the most current budget and expenditure information available. This report will be updated and reported to the Board every month at its regular meeting, accompanied by staff analysis of the information.

The Business Office was still finalizing the monthly update as this agenda was going to press. The report will be delivered to the Board upon its completion and will be made available for public review at the same time.

RECOMMENDATION: None. Information only.

Prepared by: Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

TO: MEMBERS, BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: AUGUST 21, 2012
SUBJECT: 3. SCHOOL SERVICES OF CALIFORNIA CASH MANAGEMENT
WELLNESS CHECK REPORT

INFORMATION

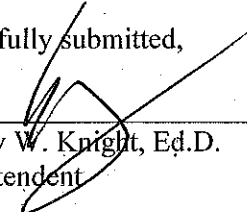
ISSUE: Shall the Board receive the report of consultant School Services of California providing analysis and recommendations in connection with the District's cash management practices?

BACKGROUND: At its meeting on February 21, 2012, the Board approved a consulting agreement with consultant School Services of California (SSC) to provide analysis and recommendations regarding the District's cash management practices. SSC has completed its report, entitled "Cash Management Wellness Check", which is attached for the Board's review. Staff will provide its comments and recommendation implementation plan at this evening's meeting.

RECOMMENDATION: None -- Information only.

Prepared by: Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,



Anthony W. Knight, Ed.D.
Superintendent

Oak Park Unified School District

CASH MANAGEMENT WELLNESS CHECK

APRIL 24, 2012

Prepared By:

SHEILA G. VICKERS
VICE PRESIDENT

Oak Park Unified School District

CASH MANAGEMENT WELLNESS CHECK

APRIL 24, 2012

Prepared By:

SHEILA G. VICKERS
VICE PRESIDENT

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SCHOOL SERVICES OF CALIFORNIA, INC.



April 24, 2012

1121 L Street

Suite 1060

Sacramento

California 95814

TEL: 916.446.7517

FAX: 916.446.2011

*An Employee-Owned
Company*

Mr. Martin Klauss
Assistant Superintendent, Business & Administrative Services
Oak Park Unified School District
5801 East Conifer Street
Oak Park, CA 91377

Dear Mr. Klauss:

Thank you for allowing School Services of California, Inc., (SSC) to assist the Oak Park Unified School District (District) by conducting a Cash Management Wellness Check. We are pleased to provide you with the following report.

The review was focused on the District's significant cash management practices, including a review of cash projections, which involved analyzing each major cash inflow and outflow category for the General Fund and ancillary funds (to the extent those funds may have a fiscal impact on the General Fund). The purpose of this review is to provide recommendations for refining the projections if necessary.

We are also providing an analysis of cash risk characteristics and a comprehensive understanding of the strengths and weaknesses of the District's cash management policies and practices. This is based upon our review of numerous financial documents provided by the District and through interviews with District staff.

The attached report contains information that we believe will help you to effectively manage the District's cash in the years to come. Please let us know if we can be of service in providing any additional clarification regarding our review. We thank you for the confidence you have placed in SSC.

Sincerely,

A handwritten signature in cursive script that reads "Sheila G. Vickers".

SHEILA G. VICKERS
Vice President

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012

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Executive Summary

The Oak Park Unified School District (District) requested School Services of California, Inc., (SSC) to perform a Cash Management Wellness Check to review the District's significant cash management practices and make recommendations for best practices where appropriate.

Scope

The focus of our review was on the following areas of cash management practices within the District:

- ✦ Cash projections and assumptions
- ✦ Cash and general ledger reconciliations
- ✦ Budget practices as they have an impact on cash
- ✦ Cash needs or sources in other funds
- ✦ Local cash borrowing options
- ✦ Cash borrowing practices and costs
- ✦ Budget and cash monitoring, including the process for making decisions and making adjustments as necessary to reflect the changing environment

The purpose of our review was to provide the District with a fair and independent assessment of the District's cash management practices and cash flow projections and to provide recommendations, as well as a comprehensive cash projection tool for the District's ongoing use (provided separately from this report in a Microsoft Excel format). What follows is a summary of the major findings and recommendations of this report.

Standards, Analyses, and Recommendations

Many of the best practices that we would recommend for preparing cash projections and assumptions are in place at the District. Most notably, projections are based upon the latest budget information, correctly reflect actual beginning balances, and include all general ledger accounts. We recommend that the District update the projections more frequently—every month—and separate out prior-year transactions so that the projection can be more easily verified and analyzed. The District should implement its plan to place an item on the Board of Education agenda each month to provide an update to all of the District's stakeholders on its cash position and the cash challenges that it faces.

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012

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The District has in place appropriate internal controls over cash and other accounting transactions, as evidenced by the procedures confirmed to be in place and by the absence of findings in the annual external audit report. We commend the District for having strong internal controls in place, as it is often difficult to achieve for a relatively small staff. We determined that only minor recommendations were necessary in this area.

The District has been appropriately utilizing its multiyear projections as early indicators of fiscal trouble—that reserves will be exhausted if no action is taken. The District developed a Budget Recovery Plan this year in order to reduce its deficit spending and maintain its budget and cash reserves. We commend the District for having taken significant actions in implementing the Plan, which improved the financial projections substantially and increased its credit rating—which significantly reduced the cost of temporary cash borrowing.

We recommend that the District continue to implement its Budget Recovery Plan going forward to ensure that it can continue to weather the current financial crisis with sufficient reserves and cash to operate. We further recommend that the District adopt a policy to maintain a higher level of reserves in the future than the state-required minimum of 3%. This is because the District is of relatively small size in the District for which a 3% reserve is required, so it lacks economies of scale. Also, the continued economic crisis, the uncertainty of state funding from year to year, and the significant deferrals of cash from the state to the District are all reasons why the District should maintain a higher level of reserves.

School districts have only a few very limited options allowed by statute in order to borrow cash on a temporary basis for general operations:

- ✦ Borrowing from other funds is the easiest and least costly method, but it depends on sufficient cash balances in the District's other funds
- ✦ Borrowing cash from the county office of education (COE), but that is subject to the availability of cash at the COE—at a time when COEs are dealing with similar revenue cuts, deferrals, and budget issues as school districts
- ✦ Borrowing from the county treasurer, which has not been a typical method used by school districts but has been recently used and depends on the process set up by the county treasurer
- ✦ Borrowing through the issuance of Tax and Revenue Anticipation Notes (TRANs), which the District utilizes—as most school districts do—on a regular basis

All of these options are very temporary—the cash must be paid back within a year, with few exceptions. The District must be able to continue taking decisive action to balance its budget so that it can demonstrate that any cash borrowing can be paid back. If the District is unable to borrow cash locally, the only other option is to request an emergency apportionment from the

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012**3**

state, which generally comes with a state takeover of district operations. This is why continuing with the Budget Recovery Plan is so critical to maintaining fiscal solvency and local control of the District.

Conclusion

The recommendations included in this Cash Management Wellness Check are intended to assist the District in maintaining its fiscal solvency and managing its precious cash resources. Timelines should be established for the implementation of the recommendations, with the understanding that it is not practical to implement all of these recommendations at once. Priorities for implementation will need to be determined, and a report should be provided to the Board on a periodic basis on the District's progress in implementing these recommendations.

Scope and Methodology

The Oak Park Unified School District (District) requested School Services of California, Inc., (SSC) to perform a Cash Management Wellness Check to review the District's significant cash management practices, with a focus on:

- ✦ Cash projections and assumptions
- ✦ Cash and general ledger reconciliations
- ✦ Budget practices as they have an impact on cash
- ✦ Cash needs or sources in other funds
- ✦ Local cash borrowing options
- ✦ Cash borrowing practices and costs
- ✦ Budget and cash monitoring, including the process for making decisions and making adjustments as necessary to reflect the changing environment

SSC's detailed review of the cash projections involves analyzing each major cash inflow and outflow category for the General Fund and ancillary funds (to the extent those funds may have a fiscal impact on the General Fund). The purpose is to provide the District with a fair and independent assessment of the District's projections and to provide recommendations for refining the projections if necessary.

During the course of our review, we independently prepared a comprehensive cash projection that can be used as an ongoing tool by the District in managing its cash and remaining cash solvent. This tool is being provided to the District in a Microsoft Excel file separate from this report.

SSC's Cash Management Wellness Check also provides an analysis of cash risk characteristics and a comprehensive understanding of the strengths and weaknesses of the District's cash management policies. This analysis was conducted by reviewing numerous District financial documents, such as budget reports, audit reports, and general ledger reports, and interviewing District staff involved in budget and cash management.

The Cash Management Wellness Check

SSC's detailed Cash Management Wellness Check involved analyzing each of the following major areas of the District's cash management policies and practices. This report contains SSC's standards for each area analyzed, along with findings and recommendations for improvement. This review was not an audit, but was designed to give the District a fair and independent assessment of the District's cash management program.

Cash Projections and Assumptions

STANDARDS AND ANALYSIS

A fiscally healthy school district is one that is able to successfully manage in times of financial crisis by having contingency plans, and by taking quick and decisive action. Sometimes events occur that may not appear to be a fiscal crisis initially, but quickly escalate into a crisis if not immediately addressed.

Every school district has its own unique cash flow needs but effective cash management is universally vital in order to maintain a fiscally healthy district. Best practices for cash flow projections ensure that:

- ✦ Projections are based on current budget information and reflect realistic expectations for inflows and outflows each month
- ✦ Projections correctly reflect actual beginning cash balances for the most recent month for which actual data is available
- ✦ Projections include general ledger accounts for non-revenue and non-expense transactions
- ✦ The impact of borrowing is accurately reflected in projections
- ✦ Projections are updated every month
- ✦ Projections routinely include assumptions outlining factors used in their preparation
- ✦ Variances from projected estimates are investigated in a timely manner
- ✦ Projections are communicated regularly to stakeholders

The District's 2011-12 cash flow projection prepared with its 2011-12 Second Interim budget report reflects a beginning cash balance for the General Fund as of July 1, 2011, of \$99,613.60. This amount agrees with the cash balance reflected for the General Fund in the audited financial statements as of June 30, 2011.

OAK PARK UNIFIED SCHOOL DISTRICT**CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012****6**

The District's estimate for the 2011-12 Principal Apportionment on the cash projection is reasonable, based upon the revenue limit calculation in the District's 2011-12 Second Interim budget report. The total amount for revenue limit sources on the cash flow projection is aligned with the revenue limit sources on the 2011-12 Second Interim budget report Projected Year Budget Totals.

Our reviewed noted that, when comparing the California Department of Education's (CDE) exhibit of the 2011-12 First Principal Apportionment Certification and the District's 2011-12 Second Interim cash flow projection, the apportionment amounts reflected on the District's cash flow projection differ from the CDE's exhibit. It is important to note that the principal apportionment payment schedule has been updated by the CDE, which resulted in increases in the projected amounts of principal apportionment for the months of February through May 2012. Specifically, the amount of state aid reflected on the District's cash flow projection for February 2012 appears higher than the amount shown in the District's cash detail report and the CDE's exhibit. The District investigated this and confirmed that it is because of the negative prior-year adjustment to revenues, and there is no net effect on cash.

The District's cash flow projection reflects the payback of the March 2012 intrayear deferral as an accrual. According to the CDE's exhibit, the payback from the March intrayear deferral occurs in April of 2012. Appendix A (see "Updated Cash Flow Estimates Including RDA Impact for the 2011-12 Fiscal Year," in the March 2, 2012, *Fiscal Report*) reflects the updated apportionment schedule for 2011-12.

The District's receipt projections for federal, state, and local revenues appear to be appropriate when compared to prior-year estimates, 2011-12 CDE entitlement information, and SSC's Dynamic Budget Guide. The District's estimates for receipts also tie to the Projected Year Budget Totals on the 2011-12 Second Interim budget report.

The estimates for disbursements for salaries, benefits, supplies, and services all appear to be reasonable; when combined with the noted variances on the cash projection, they tie to the Projected Year Budget Totals on the 2011-12 Second Interim budget report. The projection of other outgo on the cash flow projection, while in agreement with the Projected Year Budget Totals in the Second Interim report, reflects atypical activity. The District has confirmed that this is because the Tier III program revenues are posted here by the COE and the District then transfers the revenues out to the correct internal account code.

The District's cash flow projection reflects activity for non-revenue information and has sections that are specific to assets and liabilities. The projection for accounts receivable for federal revenue, other state revenue, and local revenue for 2011-12 appear to be understated when compared to the prior year. Additionally, the estimate of current liabilities for 2011-12 appears to be lower when compared to the prior year.

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012

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As a best practice, cash flow projections should be:

- ✦ Prepared for the current and subsequent fiscal year
- ✦ Accompanied by a set of assumptions that outline the factors used in developing the projection
- ✦ Updated each month when financial activity for the month has been completed

The District prepares a cash flow projection for the current fiscal year and updates the projection at the interim budget reporting periods. As a part of the document submission for Tax Revenue Anticipation Notes (TRANS), the District prepares a cash flow projection for the subsequent fiscal year.

Cash management has become a major focus for school districts throughout the state. The mismatch of budgetary spending authority to cash receipts for the fiscal year due to the deferral of principal apportionment payments has placed an incredible amount of pressure on the District's cash flow. The frequency, volume, and duration of principal apportionment deferrals have increased fourfold since 2008-09, and results in an increased need for the District to seek external borrowing in the form of TRANS. The chart below shows the TRANS issuance for the 2010-11 and 2011-12 fiscal years.

Year	TRANS Amount/Proceeds	Period of Borrowing
2010-11	\$3,185,000	July 2010 - May 2011
2010-11	\$3,580,000	April 2011 - September 2011
2011-12	\$5,770,000	July 2011 - January 2012
2011-12	\$5,700,000	March 2012 - August 2012

Figure 1: TRANS Issuance for 2010-11 and 2011-12

The cash flow projection for 2011-12 appears to appropriately reflect the funding and repayment of the District's TRANS issuances.

The combination of the reduction in state funding and cash deferrals has made managing a school agency budget and cash beyond difficult. Effectively communicating to stakeholders about the importance of a strong cash position is key. Cash flow updates should be a standing item for meetings of the Board of Education. Currently, the District presents cash flow projections at the required state reporting periods. District staff members indicated that plans are underway to provide cash flow updates on a monthly basis to the Board.

Recommendations:

1. The District should continue to ensure that the starting cash balance for the cash projection matches the actual ending cash for the prior year, and that cash projection estimates for inflows and outflows balance out to the District's latest revised budget.
2. The District should display prior-year revenue limit adjustments as a separate line item on the cash flow projections.
3. The District should consider reviewing the current-year estimates for the estimated accruals for the end of this fiscal year and adjust these estimates accordingly. Additionally, the District should consider having separate lines on the cash flow projection for general ledger suspense accounts. This would improve and simplify the tracking of prior- and current-year asset and liability activity.
4. The District should consider preparing cash flow projections for both the current and subsequent year as a routine part of their planning process and include a list of assumptions for each projection.
5. We recommend that the District put procedures in place to update the cash flow projections each month. This update should occur right after the monthly reconciliation process for the general ledger and bank accounts is complete and the actual financial activity is known for the month. At that time, cash flow projections should be updated with the actual information and reforecast for the remaining months of the fiscal year. Any variances that are of a material nature should be investigated, and the projections for both the current year and subsequent year should be adjusted accordingly.
6. The District should complete its plan to place an item on the Board of Education agenda each month to provide an update on cash in order to keep the District's stakeholders informed of the cash challenges that the District faces.
7. We recommend that the District set a goal for clearing accounts receivable and payable associated with the prior-year closing by the time of the First Interim budget report each year.

Cash Management and General Ledger Reconciliations

STANDARDS AND ANALYSIS

Internal controls are the basis for sound financial management. Internal controls also establish the policies and procedures that an agency utilizes to ensure that practices are both effective and efficient. Best practices for cash management and general ledger maintenance ensure that:

- ✦ Segregation of duties exists
- ✦ Cash is reconciled monthly for all accounts; i.e., District accounts, local bank accounts, county treasurer accounts, etc.
- ✦ General ledger accounts, including suspense and clearing accounts, are reconciled monthly
- ✦ Reconciliation items are researched, and adjusting entries are made in a timely basis
- ✦ Accounts receivables are collected in a timely manner
- ✦ Cash receipts are controlled to ensure that all money is properly recorded and deposited in a timely manner
- ✦ Investment policies are current and are consistent with Government Code and best practice

Segregation of duties—ensuring that no single employee controls a financial process from beginning to end—is a critical element of internal controls. Authorization, review, and verification steps are important elements in the segregation of duties. These steps, if implemented properly, can help ensure the accuracy of postings to the general ledger and the reliability of the resulting financial information. These steps can also provide assurance that the transactions are reasonable and reconciled in a timely manner and that the District's assets are appropriately safeguarded.

The authorization process involves a staff member's review of the financial transaction, who then applies a signature to the source document (or electronically to the transaction) as evidence that the transaction has been authorized for entry into the financial system. A separate staff member is responsible for ensuring that the transaction is correctly posted to the general ledger. The verification process includes ensuring that each transaction is accurately recorded and reporting any anomalies through reconciling accounts. The review process involves generating summary reports and reviewing them to ensure that the verification process has been completed and outstanding reconciling items are researched and resolved in a timely manner. At a minimum, at least two different staff members must have roles in this process to ensure that there is appropriate segregation of duties.

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012

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Based upon our interviews with District staff and review of the District's processes and procedures, we believe that the District has the appropriate internal controls and segregation of duties in place. The District's annual external audit and financial statements reflect no findings or recommendations related to the District's internal control processes.

According our interviews with District staff, the Ventura County Office of Education (COE) reconciles the District's cash accounts to those of the county treasurer and provides a monthly County Cash Report to the District. The District then validates the amounts on the COE report to the cash balances in its general ledger accounts in a timely manner. The District reconciles its local bank accounts monthly and has recently instituted a procedure to send notifications and collect on charges of insufficient funds.

General ledger accounts are reconciled on a regular basis, and staff members are consistently working on investigating and clearing outstanding items in a timely manner.

Best practice indicates that prior-year accounts receivable and payable (accruals posted for the prior year June 30 closing) should be cleared, for the most part, by the First Interim budget reporting period each year. Any items not cleared should be investigated as to the validity of the item and adjusted accordingly. At the time of our field work (March 2012), the District was still working on clearing the accounts receivable and payable associated with the 2010-11 fiscal year-end closing. It is a goal of the District to have this process for the 2011-12 year-end accruals completed by the 2012-13 First Interim budget report.

The cash receipt practices of the District appear to reflect appropriate internal controls. School sites utilize prenumbered receipt books for cash transactions. The District maintains a handwritten log for the issuance of the receipt books. Each school site has a locking safe to properly safeguard cash receipts in until they are transported to the District Office. Deposits are received from the sites in a timely fashion, and there are no findings noted in the District's annual external audit and financial statements related to cash handling.

The Associated Student Body (ASB) accounts are reconciled monthly at the site level and sent to the Business Office for review. The District does not conduct internal audits of internal control procedures related to ASB funds. However, there were no findings in the District's latest annual financial audit related to ASB funds.

The District has a Board-approved investment policy in place, which has been provided from the California School Boards Association and is in compliance with the related Education Code and Government Code provisions.

Recommendations:

1. We commend the District for achieving no findings related to internal controls or the handling of financial information in its latest annual audit report and financial statements. To further strengthen internal controls, we recommend that the District:
 - a. Consider formalizing its receipt book log by maintaining it in an electronic file and maintaining a hard copy of the latest version in the District Office safe.
 - b. Consider performing internal audits of ASB fund internal controls and practices. As part of this, ASB staff members at each site should complete an Information Document Checklist and Question Form each year, as recommended by the Fiscal Crisis and Management Assistance Team. A sample Internal Control Checklist and an Information Document Checklist and Question Form are included in Appendix B.

Budget Practices and Impact on Cash

STANDARDS AND ANALYSIS

Budget management is a dynamic process that integrates the educational goals of the school district with a finite source of revenues. In years when revenues keep pace with expenses, there is no need to develop budget reduction strategies. However, in bad years, when state revenues do not keep pace with expenditure increases, or are even reduced, on the natural reserves decline and cash flow deteriorates. A typical school district has very little control over revenues, but exercises significant control over its expenditure plan; therefore, balancing a school district budget primarily means reducing expenditures. In difficult financial times, budget reductions need to be made to preserve a prudent level of reserves, and additional reductions may need to be made to maintain enough cash to stay solvent.

Best practices for budget management include:

- ✦ Having a process in place to determine budget reductions
- ✦ Taking quick and decisive action to make the necessary reductions
- ✦ Retaining prudent reserve levels in all three years of the multiyear projection
- ✦ Maintaining sufficient operating cash in a multiyear context
- ✦ Recognizing the impact of the District's financial status on its credit rating and cost of borrowing

OAK PARK UNIFIED SCHOOL DISTRICT
CASH MANAGEMENT WELLNESS CHECK—APRIL 24, 2012

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The District currently utilizes its executive team to develop budget reduction strategies that are brought forward to the Board of Education for consideration and action. The District's 2011-12 First Interim budget report included unspecified budget reductions in the unrestricted General Fund of \$915,000 for 2012-13 and \$150,000 for 2013-14. Since the submission of the First Interim budget report, a Budget Recovery Plan has been developed by the District that identifies both potential revenue increases and expenditure decreases.

The District is a "District of Choice," which allows students from local districts to transfer to the District, based on a specified policy limit. The Board of Education has approved an increase in the enrollment limit for 2012-13 of 222 students, which will generate additional income. Additionally, the Budget Recovery Plan outlines staffing adjustments and retirement incentives, and proposes a reduction in the work year. These actions are estimated to yield approximately \$3.6 million.

The District's multiyear projection, as submitted with the 2011-12 Second Interim budget report, indicates the following for the unrestricted side of the General Fund:

	2011-12 Second Interim Budget	2012-13 Projection	2013-14 Projection
Beginning Fund Balance	\$527,234	\$0	\$157,149
Revenues and Other Sources	\$24,795,282	\$23,547,999	\$23,860,093
Expenditures and Other Uses	\$25,322,516	\$23,390,850	\$23,519,810
Surplus/(Deficit)	(\$527,234)	\$157,149	\$340,283
Ending Fund Balance	\$0	\$157,149	\$497,432
Special Reserve (Fund 17) Balance	\$426,313	\$426,313	\$426,313
Required Reserves (3%)	(\$936,723)	(\$873,746)	(\$878,303)
Undesignated/(Shortfall)	(\$510,410)	(\$290,284)	\$45,442

Figure 2: Multiyear Projection as of the 2011-12 Second Interim Budget Report

Figure 2 above reflects that the District's minimum reserve level is not projected to be met in 2011-12 and 2012-13. The reserve level in 2013-14 barely meets the minimum legal requirements. Further, these projections assume enacted reductions of \$1,546,572 and \$164,008 for certificated staff in 2012-13 and 2013-14, respectively, and reductions of \$234,755 and \$27,028 for classified staff in 2012-13 and 2013-14, respectively. Clearly, the District's Budget Recovery Plan must be implemented quickly in order to have a chance at maintaining fiscal solvency.

Further, it is important to note that there are many good reasons why a school district should maintain a higher level of reserves than the state-required minimum. The continued economic crisis, uncertainty of state funding, significant deferrals of state cash to school districts, and the District's relatively small size, are some of major reasons why a prudent level of reserves for the

District is much more than the state-required minimum. It has generally held true that low reserve levels are an indicator of low cash levels and fiscal distress. However, with the recent state cash deferrals, all districts are at risk, even those with above-average reserve levels. School districts with prudent reserves are still having to manage their cash actively and borrow to get through the negative cash months.

It is important to note that the District's credit rating, and therefore its ability to borrow and cost of borrowing, is highly dependent on the success of the Budget Recovery Plan. It is important to note that the credit rating assigned to the District as a part of the current midyear TRANS issuance improved significantly because the Board of Education adopted the Budget Recovery Plan. The improvement in the credit rating reduced the District's cost of borrowing using the midyear TRANS.

Recommendations:

1. We commend the District for developing and adopting its Budget Recovery Plan. The District needs to ensure that it implements, in a timely manner, the provisions of the Plan in order to have a chance of ensuring its fiscal solvency. Regular updates of the budget and cash projections should be utilized to update the Plan by modifying or adding to the budget reductions as the District's financial situation evolves. The key is to ensure that the District maintains enough budget reserves in a multi-year context to stay fiscally solvent and be able to borrow cash locally in order to stay cash solvent.
2. The District should establish a Board policy specifying an adequate level of reserves, above that required by the state, to help the District maintain fiscal solvency and cash reserves on into the future. Once the policy is established, then the reserves can be provided for in the District's multiyear projection as a cushion against future financial contingencies.

Cash Needs or Sources in Other Funds

STANDARDS AND ANALYSIS

The District maintains several funds on its books in addition to the General Fund. Each of these other funds should be evaluated for its solvency just as rigorously as for the General Fund. These other funds can provide a source of cash borrowing for the District's General Fund. However, if a fund is not self-sufficient, it could cause a drain on the General Fund—either by requiring a temporary loan of cash from the General Fund or a direct contribution from the General Fund in order to stay solvent.

All school districts should ensure that the revenue sources for these other funds are sufficient to cover all direct and indirect costs applicable to the programs. Based upon the District's 2011-12

OAK PARK UNIFIED SCHOOL DISTRICT
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Second Interim budget report, here are the beginning and projected ending balances in the District's other funds:

Fund	Beginning Balance July 1, 2011	Estimated Ending Balance June 30, 2012
Cafeteria (Fund 13)	\$5,795	\$1,789
Deferred Maintenance (Fund 14)	\$863	\$863
Special Reserve Fund for Other Than Capital Outlay (Fund 17)	\$946,191	\$426,313
Building (Fund 21)	\$17,763,852	\$15,016,515
Capital Facilities (Fund 25)	\$2,290	\$3,970
County School Facilities (Fund 35)	\$1,453	\$1,467
Special Reserve Fund for Capital Outlay Projects (Fund 40)	\$2,433	\$2,457
TOTAL	\$18,722,877	\$15,453,374

Figure 3: Beginning and Ending Balances as of the 2011-12 Second Interim Budget Report

None of these other funds, most notably the Cafeteria Fund, require that the District make a contribution from unrestricted funds in order to ensure that the service needs of the programs are met. However, we noted that indirect costs are not collected from the Cafeteria Fund as allowed by law. The Cafeteria Fund is barely self-sufficient, given that it is a \$780,000 operation with a fund balance of less than \$2,000. Charging indirect costs at this time would drive the fund balance negative.

The data above indicates that there is significant cash available in two funds—the Special Reserve Fund for Other Than Capital Outlay (Fund 17) and the Building Fund (Fund 21). The Special Reserve Fund cash is already being utilized to make a significant transfer to the General Fund this year, and the balance is needed to help the District meet its reserve requirement in its multiyear budget projection (Figure 2 above). Therefore, the only significant source of potential internal cash borrowing is the Building Fund.

Recommendations:

1. The District should work toward improving the financial performance of the Cafeteria Fund so that indirect costs can be charged to the program and to reduce the risk that a contribution from the unrestricted General Fund—either planned or unplanned—would be required to support the program.
2. The District should plan to preserve cash in all of its funds to the extent possible in order to mitigate the risk of running out of operating cash.

Local Cash Borrowing Options, Practices, and Costs

STANDARDS AND ANALYSIS

Statutes provide school agencies with several possible methods of temporary borrowing for cash purposes. Each of these methods requires that the cash be paid back within a year or less, with few exceptions. Each method is described below.

Borrowing From Other Funds. Education Code Section (E.C.) 42603 allows school agencies to temporarily transfer cash from one fund to another in order to meet payment obligations in the latter fund. Up to 75% of the funds held in a fund can be transferred to another. The borrowing fund must earn enough income to repay the borrowing within the same year, or within the following year if the borrowing took place within 120 days of the fiscal year end. This is the most simple and cost-effective method of borrowing, but it is subject to the availability of cash in other funds.

It should be noted that this Education Code Section allows a school agency to borrow from any of its funds—this would include the District’s Building Fund (Fund 21). While the ballot language for the issuance of bonds limits the use of the funds, temporarily borrowing the funds for cash purposes does not constitute “use”; rather, the funds are paid back to the Building Fund with interest so that they can be appropriately used for the authorized projects. If there were sufficient cash balances in, for example, the District’s Cafeteria Fund or Capital Facilities Fund, the same methodology would apply—temporarily borrowing the funds for cash purposes in the General Fund would mean that the cash is then paid back to the original fund in time for the cash to be used for its original restricted purpose.

Borrowing From the COE. E.C. 42621 and 42622 allow county offices of education to make temporary loans to school agencies in the county. The constraining factor is that COEs are dealing with similar budget and cash issues as school districts, so they may not have sufficient cash to loan to a school district in need. The borrowing cannot exceed 85% of the revenues anticipated to be received by the school district for the fiscal year, and must be paid back by June 30 of the fiscal year, or if specifically approved by the County Board of Education, during the next fiscal year.

Borrowing From the County Treasurer. E.C. 42620 requires the county treasurer to make a temporary loan to a school district in need. Similar to borrowing from the COE, the loan is limited to 85% of the revenues anticipated to be received by the school district for the fiscal year, and must be repaid from the first monies received by the school district before any other obligation is paid. The temporary loan must be made before the last Monday in April for the fiscal year the borrowing is in effect.

TRANS. Government Code Section 53852 authorizes school agencies to issue short-term, interest bearing notes in anticipation of the future receipt of taxes and other revenues for the fiscal year. Interest earnings are not taxable to the bearer of the note, and the spread on earnings may need to be rebated to the federal government by the borrowing agency. This is the most expensive local borrowing option, as the process requires outside experts for the legal and financial matters related to the issuance. It is also subject to audit by the Internal Revenue Service to ensure that the amount borrowed was necessary and appropriate and that interest earnings are appropriately rebated. Each issuance specifies when the set asides (repayments) are to be made. For a normal fiscal year borrowing, where the notes are issued in July, the set asides are normally required to begin in February. For a midyear borrowing, such as that currently undertaken by the District, set asides are generally made from the deferred cash that is received after the fiscal year end.

As discussed earlier in this report, the District has been utilizing TRANSs as its main source of local borrowing for cash flow needs. Because of state revenue cuts and increased cash deferrals, the District's cash position has deteriorated to the point where it has issued more than one TRANSs per year, and this year engaged in additional temporary borrowing from the COE and the District's Building Fund (Fund 21). The TRANSs issuances for the last two years are as follows:

Year	TRANSs Amount/Proceeds	Issuance and Interest Costs	Interest Earned	Period of Borrowing
2010-11	\$3,185,000	\$53,690	\$8,427	July 2010 - May 2011
2010-11	\$3,580,000	\$71,351	\$2,323	April 2011 - September 2011
2011-12	\$5,770,000	\$67,317	\$2,763	July 2011 - January 2012
2011-12	\$5,700,000	\$140,416	(to be determined)	March 2012 - August 2012

Figure 4: TRANSs Issuances for 2010-11 and 2011-12

As can be seen above, the issuance costs are significant—approximately the cost of one full-time teacher—and could have been more had the District not adopted its Budget Recovery Plan and received a higher credit rating.

Recommendations:

1. We commend the District for taking decisive action to balance its budget and, as a result, lowering the cost of borrowing. The District should continue to implement its Budget Recovery Plan in order to maintain fiscal and cash solvency.
2. The District should plan to borrow cash from its Building Fund in order to minimize borrowing costs, as long as the cash can be paid back in time to meet the requirements of the building project schedule.

3. The District should consider the county treasurer as a possible borrowing source if the timing of the borrowing and payback requirements are appropriate for its needs. This source should as well reduce borrowing costs as opposed to the cost of issuing a TRANS.

The FISCAL REPORT an informational update

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Volume 32

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No. 4

Updated Cash Flow Estimates Including RDA Impact for the 2011-12 Fiscal Year

We are providing an updated cash flow schedule to incorporate the recently certified First Principal (P-1) Apportionment for fiscal year 2011-12. The P-1 apportionment takes into account the recent dissolution of the redevelopment agencies (RDAs) (see "[State Supreme Court Ruling Terminates Redevelopment Agencies](#)" in the January 20, 2012, *Fiscal Report*). It is important to note that at the time local educational agencies (LEAs) were filing their 2011-12 P-1 tax submissions, Assembly Bill (AB) 26 and AB 27 were being challenged as unconstitutional in a court action. Because of the court challenge, the P-1 tax reports filed by LEAs did not reflect any additional property taxes that might flow to LEAs as a result of RDAs being dissolved. The California Supreme Court ruled in December 2011 that the Legislature had acted within its authority and upheld AB 26, which dismantled the state's 400-plus RDAs (AB 27 allowed the RDAs to remain in existence if a payment was made to the state and was ruled unconstitutional). As a result of AB 26 being upheld, the Department of Finance requested that the California Department of Education include the estimates of increased property taxes for LEAs in its certification of the 2011-12 P-1 Apportionment.

The operational result of eliminating RDAs is that some LEAs will now receive less state aid and more property taxes. The wrinkle is that the courts have given the cities and counties time to come up with a schedule to pay off existing RDA obligations, and encumbrances, which may result in a delay in the flow of the unencumbered local property taxes to LEAs. Additionally, while there should be no delay in the pass-through obligation payments (assuming resources are available to make such payments), there are reports of some RDA-successor agencies waiting until the Oversight Boards begin operation in May before releasing any payments. To see a list of the estimated net tax increment from the RDA Property Tax Trust Fund for LEAs, go to <http://www.cde.ca.gov/fg/aa/pa/iassf11p1.asp>.

The Principal Apportionment updated cash flow schedules as of P-1 for 2011-12 are as follows:

Education Code Section (E.C.) 14041 (a)(1)(2)(3)(4)		
Month	2010-11 Updated Schedule	2011-12 Estimated Deferral Schedule
Jul 2011	9.10%	0.00%
Aug 2011	12.10%	0.00%
Sep 2011	7.10%	11.70%
Oct 2011	-	0.00%
Nov 2011	-	9.00%
Dec 2011	-	9.00%
Jan 2012	-	25.30%
Feb 2012	-	1.10%
Mar 2012	-	0.20%
Apr 2012	-	5.35%
May 2012	-	1.90%
Jun 2012	-	0.00%
Jul 2012	-	21.70%
Aug 2012	-	14.75%

Total	28.30%	100.00%
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E.C. 14041(7)		
Month	2010-11 Updated Schedule	2011-12 Estimated Deferral Schedule
Jul 2011	6.87%	0.00%
Aug 2011	11.20%	0.00%
Sep 2011	7.90%	23.15%
Oct 2011	-	0.00%
Nov 2011	-	0.00%
Dec 2011	-	0.00%
Jan 2012	-	42.85%
Feb 2012	-	0.85%
Mar 2012	-	0.14%
Apr 2012	-	4.04%
May 2012	-	1.44%
Jun 2012	-	0.00%
Jul 2012	-	16.38%
Aug 2012	-	11.15%
Total	25.97%	100.00%

E.C. 14041(8)		
Month	2010-11 Updated Schedule	2011-12 Estimated Deferral Schedule
Jul 2011	4.00%	0.00%
Aug 2011	0.00%	0.00%
Sep 2011	0.00%	38.15%
Oct 2011	-	0.00%
Nov 2011	-	0.00%
Dec 2011	-	0.00%
Jan 2012	-	57.85%
Feb 2012	-	0.00%
Mar 2012	-	0.00%
Apr 2012	-	0.00%
May 2012	-	0.00%
Jun 2012	-	0.00%
Jul 2012	-	4.00%
Aug 2012	-	0.00%
Total	4.00%	100.00%

There are waiver provisions included in E.C. 14041.7 as an exemption from the June Second Principal (P-2) Apportionment deferral for school districts and charter schools. There is no exemption from the P-2 deferral for county offices of education. Applications for this exemption are due per statute no later than **April 1, 2012**. Information on the waiver can be found at <http://www.cde.ca.gov/FG/fi/ir/exemptltrjune2012.asp>.

It is imperative that LEAs continue to make cash management a top priority. School Services of California's

upcoming workshop, "Cash Flow—The Good, The Bad, and The Ugly" will cover this topic and many more. For more information on the workshop locations and dates, go to http://www.sscal.com/workshops.cfm?action=display_workshop&workshop_ID=286.

—*Ann Hern, Michele A. Huntoon, CPA, and Dave Heckler*

posted 02/29/2012

Sample Internal Control Reference Checklist

A "No" response to any of the following questions may indicate an internal control weakness. The district should perform a self-evaluation and investigate all potential weaknesses and ensure that controls are put into place so that the weakness will no longer result in internal control issues.

This checklist is divided by area; another checklist earlier in the manual is divided by job position for those with responsibility for ASB organizations

General Procedures

1. Has the district's governing board adopted board policy and administrative regulations outlining rules and regulations by which the student body is governed and operated?
2. Does the district have a comprehensive ASB manual with detailed procedures?
3. If the district has a comprehensive manual, is it reviewed and updated at least annually if necessary? Does the update address the areas of concern or confusion identified in the previous year's audit?
4. Is annual ASB training provided for all site and district-level employees who work with ASB activities?
5. Do members of the business office staff periodically (at least annually) visit each school site to provide support and to review the ASB procedures used at the site?
6. Do site employees and students know who to call in the district office if they have questions or concerns about ASB and are unable to get answers at the school site?
7. Has the business office taken immediate action to correct annual audit findings related to ASB activities? Are the school sites involved in developing action plans to ensure that the findings do not reoccur?
8. Are the forms, processes and systems for ASB operations standardized districtwide?
9. Is the software used for ASB finances adequate to meet the needs of the district and clubs? Are the financial reports and other items produced by the system user-friendly and informational?
10. Are all bank accounts reconciled with two weeks of receipt of the statement?
11. Is there a clear distinction between the student body's income and expenditures and those of the district?
12. Do procedures ensure that trust funds will not be used to finance general student body activities?
13. Is prompt action taken to recover deficits in trust accounts?
14. Has the governing board established a policy for disposing of inactive student body organizations' trust balances?
15. Is equipment adequately controlled and recorded?
16. Is the board's designee an authorized signatory on all student body accounts?
17. Is a general ledger maintained?
18. Are minutes of the student body meetings maintained and adequate?
19. Are the minutes of each individual club reviewed by the general student council?
20. Do the minutes contain approval for fund-raising activities?

21. Are disbursements of student body funds specifically approved, item-by-item, and in the minutes?
22. Are the activities of the student body reflected in the minutes?
23. Does each recognized club have a constitution or charter on file with the ASB office?
24. Does the general student council have bylaws in place?
25. Are accounting controls for the clubs the same as those for the general ASB?
26. Are student store inventories reviewed periodically?
27. Are financial reports prepared regularly? Are they reviewed and included in the ASB minutes?

Cash Receipts / Fund-Raisers

1. Are all proposed fund-raising events approved by the governing board or its designee at the beginning of each school year? Is this list updated throughout the year?
2. Are fund-raising activities in accordance with those prescribed by the district and approved by the governing board/designee?
3. Are fund-raising activities approved by the school site administrator and by the general student council?
4. Do supervisory personnel exercise adequate control over student fund-raisers to ensure that the participants are following all district policies and exercising strong internal controls?
5. Is staff aware of the appropriate internal controls for cash receipts for each type of fund-raising event (i.e. prenumbered receipts, tickets, and tally sheets)?
6. Is an adequate stock of supplies for cash receipt control procured—such as prenumbered tickets and prenumbered receipt books—kept in a safe, locked place?
7. Is control maintained over tickets, numbered forms and receipt books when not in use?
8. Are details about the number of items receipted and the unit price recorded on the receipt or other documentation used for cash receipts?
9. Are all cash receipts from student fund-raising activities turned in to the ASB bookkeeper immediately after the event whenever possible? Is the correct documentation turned in with the collected cash?
10. When individuals turn in cash to the ASB bookkeeper, is any type of acknowledgment signed for receipt of the money?
11. Are undeposited cash receipts kept in a safe?
12. Does the ASB bookkeeper record cash receipts promptly when received?
13. Are deposits to the bank made at least weekly?
14. Is a summary or detail of amounts making up the deposits retained for a sufficient audit trail?
15. Are shortages/overages handled as prescribed by established district policy?
16. Is control of associated student body card sales maintained, including the number of cards issued and the beginning and ending numbers of the cards sold?
17. Are commissions from vending machine sales received promptly when due?

Forms

Information Summary, Document Checklist and Questions

Information Summary, Document Checklist and Questions**Organization**

First year: July 1, 20XX - June 30, 20XX

School Name: _____

Principal: _____

ASB Bookkeeper: _____

ASB Advisor: _____

ASB Approved by Board of Education Date _____

	Yes	No
ASB consultation & bylaws?	<input type="checkbox"/>	<input type="checkbox"/>
Trust account charter & constitution - all trust accounts?	<input type="checkbox"/>	<input type="checkbox"/>
Fund raising activities agree with district policy?	<input type="checkbox"/>	<input type="checkbox"/>

Financial & Accounting

Accounting software name: _____

Accounting software version: _____

Approved annual budget?	<input type="checkbox"/>	<input type="checkbox"/>
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Financial Statements

Submitted monthly to district office?	<input type="checkbox"/>	<input type="checkbox"/>
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Provided monthly to each club/trust?	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------------------	--------------------------	--------------------------

Bank Statements

Reconciled monthly?	<input type="checkbox"/>	<input type="checkbox"/>
---------------------	--------------------------	--------------------------

Reviewed & approved?	<input type="checkbox"/>	<input type="checkbox"/>
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	Yes	No
<i>Suspense/ Clearing Accounts</i>		
Reconciled monthly?	<input type="checkbox"/>	<input type="checkbox"/>
All transactions are properly approved?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Annual Budget</i>		
Prepared?	<input type="checkbox"/>	<input type="checkbox"/>
Approved?	<input type="checkbox"/>	<input type="checkbox"/>
Budget vs. actual results compared?	<input type="checkbox"/>	<input type="checkbox"/>
Minutes		
Minutes are prepared for every meeting?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Minutes Authorize</i>		
Fund-raising?	<input type="checkbox"/>	<input type="checkbox"/>
Purchases?	<input type="checkbox"/>	<input type="checkbox"/>
Establishment of clubs?	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
Sales and Purchases		
Fund-raising cash boxes checked in/out?	<input type="checkbox"/>	<input type="checkbox"/>
Starting/ending cash reconciled?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Revenue projection for fund raising activities and other events</i>		
Approved?	<input type="checkbox"/>	<input type="checkbox"/>
Completed?	<input type="checkbox"/>	<input type="checkbox"/>
Signed off?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Ticket control, dance, etc.</i>		
Approved?	<input type="checkbox"/>	<input type="checkbox"/>
Completed?	<input type="checkbox"/>	<input type="checkbox"/>
Signed off?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
<i>Student store inventory</i>		
Inventory performed regularly?	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<i>Purchases</i>		
Purchase order prepared?	<input type="checkbox"/>	<input type="checkbox"/>
Purchase order pre-approved?	<input type="checkbox"/>	<input type="checkbox"/>
Received goods reconciled?	<input type="checkbox"/>	<input type="checkbox"/>
W-9 received and signed prior to payments sent?	<input type="checkbox"/>	<input type="checkbox"/>
Year End		
<i>Electronic Backup</i>		
Accounting program data?	<input type="checkbox"/>	<input type="checkbox"/>
Spreadsheets and other electronic data?	<input type="checkbox"/>	<input type="checkbox"/>
Backup copy documented and stored safely?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Listings Printed</i>		
Accounts receivable?	<input type="checkbox"/>	<input type="checkbox"/>
Accounts payable?	<input type="checkbox"/>	<input type="checkbox"/>
Student store inventory?	<input type="checkbox"/>	<input type="checkbox"/>