

Santa Ana Unified School District
1601 E. Chestnut Avenue
Santa Ana, California 92701

MINUTES

REGULAR MEETING
SANTA ANA BOARD OF EDUCATION

May 24, 2016

CALL TO ORDER

The meeting was called to order at 5:07 p.m. by Board President Palacio. Other members in attendance were Mr. Richardson, Ms. Amezcua, Mr. Hernández, and Ms. Iglesias.

Cabinet members present were Dr. Miller, Dr. Phillips, Dr. Haglund, Mr. McKinney, Ms. Lohnes, Dr. Rodriguez, Ms. Pueblos, Ms. Douglas, and Mr. Williams.

CLOSED SESSION PUBLIC PRESENTATIONS

Mr. Palacio asked those wishing to address the Board in matters pertaining to Closed Session to step to the podium.

There were no individuals wishing to address the Board of Education.

RECESS TO CLOSED SESSION

The Regular Board meeting was immediately recessed to consider personnel matters, and negotiations.

RECONVENE OPEN MEETING AT VILLA FUNDAMENTAL INTERMEDIATE SCHOOL

The Regular Board meeting reconvened at 5:45 p.m.

PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by Board Member Valerie Amezcua.

RECOGNITIONS/ACKNOWLEDGEMENTS

The following were acknowledged at a special awards recognition at Villa Fundamental Intermediate School:

- Special Olympics Student Athletes
- Tuition-Free Freshman Year at Santa Ana College for SAUSD Graduates
- Certificated Employee of the Month for May 2016, Nancy Marosi
- Classified Employee of the Month for May 2016, Bertha Amezcua
- High School Student Ambassadors
- Santa Ana Public Schools Foundation Scholarship Students
- High School Inc. Culinary Academy at Valley High School

7:25 P.M. MEETING RECONVENED AT THE DISTRICT OFFICE BOARD ROOM

The Pledge of Allegiance was led by Adrian Gallegos, Grade 5 Student from Fremont Elementary School.

REPORT OF ACTION TAKEN IN CLOSED SESSION

By a vote of 3-0, the Board appointed John Wysocki to the position of Director of Building Services.

Moved:	Palacio	_____	Richardson	_____	Amezcu	<u>X</u>	Hernández	_____	Iglesias	_____
Seconded:	Palacio	_____	Richardson	_____	Amezcu	_____	Hernández	_____	Iglesias	<u>X</u>
Ayes:	Palacio	<u>X</u>	Richardson	_____	Amezcu	<u>X</u>	Hernández	_____	Iglesias	<u>X</u>
Noes:	Palacio	_____	Richardson	_____	Amezcu	_____	Hernández	_____	Iglesias	_____
Final Vote:	Ayes	<u>3</u>	Noes	_____	Abstain	_____	Absent	<u>2</u>		

CHANGE IN AGENDA ORDER

PUBLIC PRESENTATIONS

Mr. Palacio asked those wishing to address the Board on matters related to agenda items to step to the podium as their names were read out.

The follow individuals addressed the Board regarding LCAP, mental health support, restorative justice, and bullying: Cirenio Gonzalez, Paul Zive, Mayre Tapia, Leonel Velazquez, Maria Celedon, Laura Kanter, Jerry Sosa, Brandon Sosa, Dulce Lopez, Guadalupe Celedon, Fabiola Lua, and Dolores Almaraz. The next group addressed the Board regarding Ethnic Studies: Ignacio Rios, Jr., mike Rodriguez, Anthony Arzate, Gaby Hernandez, Claudia Perez, Alma Munoz, Oscar Martinez, Sergio Barragan, Alexandra Lomeli, Alina Perez, Jesus Santana, Dr. Lilia Monzo, Miguel Zavala, Dr. Rigo Rodriguez, Tania Lopez, Jose Paolo Magealas, Brayan Cruz, and Kenia Cueto.

SUPERINTENDENT'S COMMENTS

Dr. Miller began his remarks by announcing student accomplishments at the Top 100 Scholars ceremony at Guaranty Chevrolet recently. He then highlighted Gold Ribbon schools, Greenville fundamental, Franklin, Lincoln, and Walker Elementaries. The Superintendent acknowledged Santa Ana College's guaranty by promising tuition, a laptop, and textbooks for the first year of SAUSD graduates attending Santa Ana College. He announced the Spring Concert at Memorial park where various schools performed such as mariachis, jazz, concert, drum, wind bands and orchestras as well as various chorus groups. He then mentioned that graduation rates went up again. Last year, the graduation rate was 87.4% (State graduation rate average was 81%), the SAUSD was 6.4% above the state average. SAUSD's overall graduation rate is 88.9. He thanked teachers, counselors, administrators, parents, and community members for their commitment. He reminded the community of the NJROTC will host the Pass and Review tomorrow evening at Santa Ana High School. Upcoming events include Parent of the Year at Segerstrom High School, Wednesday, June 1; SAUSD Retirement recognition at Delhi Community Center on Thursday, June 2; and the Perfect Attendance Car Giveaway at Guaranty Chevrolet on Saturday, June 4th.

1.0 APPROVAL OF CONSENT CALENDAR

Agenda Item 1.7 was removed from the Consent Calendar for separate action. See Minute Book Page 622.

It was moved by Ms. Amezcua, seconded by Mr. Richardson, and carried 4-0, Mr. Hernandez not present to approve the remainder of the Consent Calendar as follows:

- 1.1 Approval of Regular Board Meeting Minutes - May 10, 2016
- 1.2 Approval of Extended Field Trip(s) in Accordance with Board Policy (BP) 6153 - School-Sponsored Trips and Administrative Regulation (AR) 6153.1 - Extended School-Sponsored Trips
- 1.3 Approval of Master Contracts and/or Individual Service Agreements with Nonpublic Schools and Agencies for Students with Disabilities for 2015-16 School Year
- 1.4 Approval of Payment and Reimbursement of Costs Incurred for Related Services for Students with Disabilities for 2015-16 School Year
- 1.5 Approval to Purchase Unique Learning System Curriculum and Supplementary Program for Students with Disabilities for 2016-18 School Years
- 1.6 Orange County Department of Education Third Quarter Report on Williams Settlement Legislation for 2015-16 School Year
- 1.7 Authorization to Renew Subscriptions for Lexia Reading with Lexia Learning Systems LLC for 2016-17 School Year

This item was removed for discussion and separate action, see page 622.

- 1.8 Authorization to Renew Subscription for Canvas Learning Management System with Instructure, Inc. for 2016-17 School Year
- 1.9 Approval of Increase to Funding Amount for Consultant Agreement between Investigation Firm of Nicole Miller & Associates, Inc. and Human Resources Department
- 1.10 Adoption of Resolution No. 15/16-3116 - The National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS)
- 1.11 Approval to Renew Agreement with Declues, Burkett & Thompson, LLP Law Firm for 2016- 17 Fiscal Year
- 1.12 Acceptance of Completion of Contract for Bid Package No. 3801 - Roof Replacement at Century High School Under Emergency Repair Program
- 1.13 Ratification of Purchase Order Summary and Listing of all Purchase Orders, for the Period of April 27, 2016 through May 10, 2016
- 1.14 Ratification of Expenditure Summary and Warrants Issued Over \$25,000 for the Period of April 27, 2016 through May 10, 2016
- 1.15 Approval of Personnel Calendar Including the Transition of Specific Staff Members with such Topics as: Hiring, Promotions, Transfers, Resignations, Retirements, and Leaves

Items removed from Consent Calendar for separate action:

1.7 Authorization to Renew Subscriptions for Lexia Reading with Lexia Learning Systems LLC for 2016-17 School Year

It was moved by Ms. Iglesias, seconded by Mr. Richardson and carried 5-0, authorizing the renewal of subscriptions for Lexia Reading with Lexia Learning Systems LLC for 2016-17 school year.

PUBLIC HEARINGS

Sunshine Initial Bargaining Proposal from Santa Ana Unified School District (SAUSD) to Santa Ana Educators' Association (SAEA)

President Palacio opened the Public Hearing and asked if anyone was present to address the Board in reference to sunshining the initial bargaining proposal from California School Employees Association (CSEA) and its Chapter 41.

Hearing no comments, the Public Hearing was declared closed.

Charter Renewal Petition for El Sol Science & Arts Academy

President Palacio opened the Public Hearing and asked if anyone was present to address the Board in reference to the Charter Renewal Petition for El Sol Science & Arts Academy.

Monique Daviss addressed the Board to highlight programs at El Sol and to inform the Board that El Sol has met all statutory requirements. She closed with asking the Board to vote in favor of the item on the agenda.

Increase Statutory School Fees Imposed on New Residential and Commercial/Industrial Development Projects Pursuant to Education Code Section 17620 and Government Code Section 65995

President Palacio opened the Public Hearing and asked if anyone was present to address the Board in reference to the increase in statutory school fees imposed on new residential and commercial/industrial development projects, pursuant to Education Code Section 17620 and Government Code Section 65995.

Hearing no comments, the Public Hearing was declared closed.

CHANGE IN AGENDA ORDER

REGULAR AGENDA - ACTION ITEMS

2.0 ADOPTION OF RESOLUTION NO. 15/16-3096 - AUTHORIZATION TO INCREASE STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENT PROJECTS PURSUANT TO EDUCATION CODE SECTION 17620 AND GOVERNMENT CODE SECTION 65995

It was moved by Ms. Amezcua, seconded by Mr. Richardson, and carried 5-0, to adopt Resolution No. 15/16-3096 - authorization to increase statutory school fees imposed on new residential as well as commercial/industrial development projects pursuant to education Code Section 17620 and Government Code Section 65995.

- 3.0 AUTHORIZATION TO UTILIZE CALIFORNIA MULTIPLE AWARD SCHEDULE SOFTWARE LICENSING PROGRAM AGREEMENT WITH DLT SOLUTIONS, LLC FOR PURCHASE OF ORACLE E-BUSINESS SUITE LICENSES

This item was removed from the agenda.

- 4.0 AUTHORIZATION TO RENEW SUBSCRIPTIONS FOR ACCELERATED READER AND STAR READING WITH RENAISSANCE LEARNING, INC. FOR 2016-18 SCHOOL YEARS

It was moved by Ms. Iglesias seconded by Mr. Palacio, Mr. Richardson not present, and carried 4-0, authorizing the renewal of subscriptions for Accelerated Reader and STAR Reading with Renaissance Learning, Inc. for the 2016-18 school years.

- 5.0 APPROVAL OF FACILITIES AGREEMENT BETWEEN SANTA ANA UNIFIED SCHOOL DISTRICT AND EDWARD B. COLE, SR. ACADEMY CHARTER SCHOOL

It was moved by Mr. Palacio seconded by Ms. Iglesias, and carried 4-0, Mr. Richardson not present, to approve the Prop 39 Facilities Use Agreement between Santa Ana Unified School District and Edward B. Cole, Sr. Academy Charter School for the 2016-17 school year.

- 6.0 AUTHORIZATION TO AWARD CONTRACT FOR PURCHASE OF FRESH PRODUCE PRODUCTS AND SERVICES TO SUNRISE PRODUCE COMPANY

It was moved by Ms. Amezcua seconded by Mr. Hernández, and carried 4-1, Ms. Iglesias dissenting, to authorize the awarding of a contract for the purchase of fresh produce products and services to Sunrise Produce Company, pursuant to RFP No. 09-16, for the 2016-17 fiscal year, renewable yearly for a period not to exceed three years.

- 7.0 AUTHORIZATION TO AWARD A CONTRACT FOR PURCHASE OF DAIRY AND JUICE PRODUCTS TO DRIFTWOOD DAIRY

It was moved by Mr. Palacio seconded by Amezcua, and carried 5-0, to authorize the awarding of a contract for the purchase of dairy and juice products to Driftwood Dairy, pursuant to Bid No. 10-16, renewable yearly for a period not to exceed three years.

- 8.0 AUTHORIZATION TO AWARD A CONTRACT FOR BID PACKAGE NO. 1 - HEATING, VENTILATION, AND AIR CONDITIONING REPLACEMENT FOR A PROPOSITION 39 PROJECT AT VALLEY HIGH SCHOOL

It was moved by Mr. Richardson seconded by Ms. Amezcua, and carried 5-0, to authorize the awarding of a contract to Anderson Air Conditioning, L.P. for Bid Package No.1 Heating, Ventilation, and Air Conditioning Replacement for a Proposition 39 project at Valley High School.

PRESENTATIONS

Local Control Accountability Plan 2016-17 Recommendations

Ms. Pueblos, Assistant Superintendent, K-12 School Performance and Culture, provided a PowerPoint presentation. She reviewed the annual process and provided current information. She also highlighted LCAP goals and outlined recommendations to the 2016-17 Local Control Accountability Plan (LCAP).

Budget Update and Governor's May Revision

Ms. Douglas, Assistant Superintendent, Business Services provided information on the Governor's May Revision State Budget for 2016-17 and its implications on the District's budget.

NEW AND REVISION OF EXISTING BOARD POLICIES

- Board Policy (BP) 5131 - Conduct (Second Reading and Adoption)

It was moved by Rob Richardson, seconded by Ms. Amezcua and carried 5-0, to adopt Board Policy 5131 - Conduct.

- Board Policy (BP) 5145.4 - Bullying (Second Reading and Adoption)

It was moved by Rob Richardson, seconded by Ms. Amezcua and carried 5-0, to adopt Board Policy 5145.4 - Bullying.

BOARD REPORTS

Mr. Richardson:

- Looking forward to the NJROTC Pass and Review event at Santa Ana High School tomorrow.

Mr. Hernández:

- Made a formal request that an item be placed on the next Board agenda regarding censoring of a Board member.

Valerie Amezcua:

- Enjoyed the Concert in the Park at Memorial Park recently. Attendance was great!
- Happy to hear community member's positive comments this evening and thanked parents for coming out to speak; nice to see, we can all be civilly engaged.
- Commented on how offensive it is when pictures appear on social media with negative connotations. We all need to be mindful of what is said, so not to offend parents and students.

Mr. Palacio:

- Enjoyed attending the Top 100 student awards ceremony and thanked Guaranty Chevrolet for allowing SAUSD to utilize their facilities.
- Looks forward to attending the NJROTC Pass and Review event tomorrow evening at Santa Ana High School.
- Also looks forward to attending the Parent of the Year and Retiree Recognitions next week.

ADJOURNMENT

Mr. Palacio closed the meeting in memory of two individuals: Joe St. Martin, former SAUSD employee for over 35 years and Amin David who was an advocate to many causes. His motto was "How can I help you." For almost 40 years he met at a restaurant in Anaheim where concerns of many were discussed and he was always there to help. He will be missed.

FUTURE MEETING - The next Regular Meeting of the Board of Education will be held on Tuesday, June 7, 2016, at 6:00 p.m.

ATTEST:



Richard L. Miller, Ph.D.
Secretary
Santa Ana Board of Education

CERTIFICATED PERSONNEL CALENDAR

Personnel Calendar
Board Meeting - May 24, 2016

LAST NAME	POSITION	SITE	EFF. DATE	END DATE	COMMENTS
RETIREMENT					
Hensley, Frank	Teacher	Santa Ana	June 17, 2016		Retirement - 9 years
RESIGNATIONS					
Cortez, Melvin	Principal	Hoover	June 30, 2016		Resigned - 1 year
Irving, Todd	Principal	Spurgeon	June 30, 2016		Resigned - 3 years
Lindblom, Taylor	Teacher	Century	June 17, 2016		Moving - 6 years
NEW HIRES/RE-HIRES					
Cano, DeAnna	Teacher	Monroe	May 9, 2016		New Hire - Probationary I
EXTENSION ON LEAVE (21 duty days or more) - Without Pay and Without Benefits					
Peshke, Christina	Teacher	Esqueda	August 1, 2016	June 30, 2017	Child Care
PARTIAL CONTRACTS 2016-17					
Allen, Christine	Program Specialist	Special Education	July 1, 2016		50% Continuing Contract
Blash, Megan	Teacher	Godinez	August 23, 2016		80% Continuing Contract

Mark A. McKinney, Associate Superintendent, Human Resources

CERTIFICATED PERSONNEL CALENDAR

Personnel Calendar

Board Meeting - May 24, 2016

LAST NAME	POSITION	SITE	EFF. DATE	END DATE	COMMENTS
PARTIAL CONTRACTS 2016-17 (Continued)					
Corell, Julie	Speech and Language Pathologist	Speech Department	August 23, 2016		80% Continuing Contract
Guthrie, Bryan	Psychologist	Psychological Services	August 19, 2016		90% Continuing Contract
Hefner, Anne	Speech and Language Pathologist	Speech Department	August 23, 2016		50% Continuing Contract
Ingersoll, Laura	Speech and Language Pathologist	Speech Department	August 23, 2016		60% Continuing Contract
Johnson, Deija	Teacher	Special Education	August 23, 2016		80% Continuing Contract
Lee Giuseffi, Robyn	Curriculum Specialist	K-12 Curriculum Instruction/Staff Development	July 1, 2016		80% Continuing Contract
Lopez, Yazmin	Nurse	Early Childhood Education	August 23, 2016		49% Continuing Contract
Maeda, Eileen	Teacher	Visual and Performing Arts	August 23, 2016		80% Continuing Contract
Maffetore, Meredith	Program Specialist	Special Education	July 1, 2016		50% Continuing Contract
Malczynski, Jan	Speech and Language Pathologist	Speech Department	August 23, 2016		75% Continuing Contract
PARTIAL CONTRACTS 2016-17 (Continued)					

CERTIFICATED PERSONNEL CALENDAR

**Personnel Calendar
Board Meeting - May 24, 2016**

LAST NAME	POSITION	SITE	EFF. DATE	END DATE	COMMENTS
Murgolo, Kimberly	Teacher	Lorin Grisot	August 23, 2016		33.3% Continuing Contract
Nguyen, Dana	Teacher	Santa Ana	August 23, 2016		80% Continuing Contract
Rezvani, Niloufar	Psychologist	Psychological Services	July 1, 2016		75% Continuing Contract
Rodriguez-Thomas, Rocio	Teacher	Santa Ana	August 23, 2016		80% Continuing Contract
Ryan, Brittney	Speech and Language Pathologist	Speech Department	August 23, 2016		20% Continuing Contract
Schulte, Janet	Speech and Language Pathologist	Speech Department	August 23, 2016		60% Continuing Contract
Skelton, Susan	Psychologist	Psychological Services	August 19, 2016		90% Continuing Contract
Spearman, Suzanne	Psychologist	Psychological Services	August 19, 2016		75% Continuing Contract
York, Jennifer	Teacher	Godinez	August 23, 2016		40% Continuing Contract
CHANGE IN CONTRACT LENGTH 2016-17					
Castellanos, Krista	Teacher	Muir	August 23, 2016		From 40% to 100% Contract
CHANGE IN CONTRACT LENGTH 2016-17 (Continued)					

CERTIFICATED PERSONNEL CALENDAR

Personnel Calendar

Board Meeting - May 24, 2016

LAST NAME	POSITION	SITE	EFF. DATE	END DATE	COMMENTS
Cerri, Amy	Teacher	Lincoln	August 23, 2016		From 50% to 100% Contract
Delgado, Breana	Teacher	Jackson	August 23, 2016		From 50% to 100% Contract
Espinosa De Elena, Catherine	Teacher	Jackson	August 23, 2016		From 50% to 100% Contract
Fasheh, Alicia	Teacher	Muir	August 23, 2016		From 60% to 100% Contract
Hishiki, Ella	Speech and Language Pathologist	Speech Department	August 23, 2016		From 50% to 60% Contract
Hodges, Cristin	Teacher	Fremont	August 23, 2016		From 90% to 100% Contract
Loo, Erin	Teacher	Fremont	August 23, 2016		From 10% to 100% Contract
Nunez, Krista	Psychologist	Psychological Services	August 19, 2016		From 60% to 100% Contract
Orrante, Rebecca	Speech and Language Pathologist	Speech Department	August 23, 2016		From 80% to 90% Contract
Smith, Katrina	Teacher	Taft	August 23, 2016		From 60% to 100% Contract
Ward, Deborah	Teacher	Sierra	August 23, 2016		From 50% of everyday to 100% Contract
CHANGE IN CONTRACT LENGTH 2016-17 (Continued)					

CERTIFICATED PERSONNEL CALENDAR

**Personnel Calendar
Board Meeting - May 24, 2016**

LAST NAME	POSITION	SITE	EFF. DATE	END DATE	COMMENTS
Warwick, Sandra	Teacher	Sierra	August 23, 2016		From 50% of everyday to 100% Contract
Wilson, Shelana	Psychologist	Psychological Services	August 19, 2016		From 40% to 100% Contract
SPRING SPORTS 2015-16					
Echaves, Michael	Head Coach	Godinez	2015-16		Football
Espinoza, Emilio	Assistant Coach	Godinez	2015-16		Football
Pola, Kevin	Assistant Coach	Godinez	2015-16		Football
Young, John	Teacher	Saddleback	2015-16		Football
Mohr, Lawrence	Head Coach	Valley	2015-16		Football
Sosa, Griselda	Assistant Coach	Valley	2015-16		Track
CONSENTS FOR THE 2015-16 SCHOOL YEAR - E.C. 44256(b)					
Faust, Eric		Willard	2015-16		Math

Mark A. McKinney, Associate Superintendent, Human Resources

CLASSIFIED PERSONNEL CALENDAR

Personnel Calendar

Board Meeting - May 24, 2016

NAME	POSITION	SITE	EFF. DATE	END DATE	SALARY	COMMENTS
RETIREMENTS						
Childress, Clarence	Rv. Ld. Custodian	Bldg. Svcs.	June 24, 2016			39 years, 7 months
Marquez, Maria	Activity Supervisor	Heninger	January 14, 2016			27 years, 2 months
TERMINATION						
Cortez, Steven	Fd. Svc. Spvr. Elem.	Nutrition Svcs.				
ABSENCES (3 to 20 duty days) - Without Pay						
Andrade, Sayra	Preschool Teacher	Walker	March 28, 2016	April 29, 2016		Personal
Macias, Ana	Autism Paraprofessional	Mitchell	April 21, 2016	June 16, 2016		Personal
Mendoza Madrigal, Guillermo	Custodian	Walker	May 2, 2016	May 27, 2016		Personal
Ramirez, Elizabeth	Autism Paraprofessional	Edison	April 12, 2016	May 9, 2016		Personal
MILITARY ABSENCE						
Nguyen, Nhonkiet	School Police Officer	School Police				
NEW HIRES						
Bui, Maribel	Account Technician	Nutrition Svcs.	May 31, 2016		31/1	Probationary
Campos, Omar	Activity Supervisor	Santiago	May 2, 2016		10/1	

CLASSIFIED PERSONNEL CALENDAR

Personnel Calendar

Board Meeting - May 24, 2016

NAME	POSITION	SITE	EFF. DATE	END DATE	SALARY	COMMENTS
NEW HIRES (Continuation)						
Cisneros, Isaac	District Safety Officer	Saddleback	May 25, 2016		31/1	Probationary
Cruz, Alexandro	District Safety Officer	Saddleback	May 25, 2016		31/1	Probationary
Diaz, Jennifer	Fd. Svc. Wkr.	Santa Ana	May 25, 2016		11/1	Probationary
Guillen, Eduardo	District Safety Officer	High School	May 25, 2016		31/1	Probationary
Perez, Jose	SSP Sp. Ed.	Valley	May 9, 2016		19/1	Probationary
Razavi, Michael	Computer Technician	Hoover	May 2, 2016		28/4	Probationary
Villegas, Jessica	Instr. Asst. Sev. Dis.	Lathrop	May 4, 2016		20/1	Probationary
		Mendez				
ADJUSTMENT OF WORKING ASSIGNMENT						
Arizmendi, Kelly	Fd. Svc. Wkr.	Nutrition Svcs.	May 25, 2016		11/3	From 3.5 hours to 6.5 hours
Padilla, Lidia	Fd. Svc. Wkr.	Nutrition Svcs.	May 25, 2016		11/2	From 3.5 hours to 6.5 hours
Sierras, Jessica	Fd. Svc. Wkr.	Nutrition Svcs.	May 25, 2016		11/4	From 3.5 hours to 6.5 hours
TEMPORARY ASSIGNMENTS						
Anaya, Liliana	Fd. Svc. Spvr. Elem.	Nutrition Svcs.	April 20, 2016	April 29, 2016	15/4	
Hernandez, Patricia	Interpreter/Translator Sp. Ed.	Sp. Ed.	April 2, 2016	April 29, 2016	32/4	

RESOLUTION NO. 15/16-3096

**BOARD OF EDUCATION
SANTA ANA UNIFIED SCHOOL DISTRICT
ORANGE COUNTY, CALIFORNIA**

**AUTHORIZATION TO INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON
RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO
EDUCATION CODE SECTION 17620 AND GOVERNMENT CODE SECTION 65995**

WHEREAS, the Board of Education (“Board”) of the Santa Ana Unified School District (“District”) provides for the educational needs for Grade K-12 students within the City of Santa Ana, City of Tustin, City of Irvine, City of Costa Mesa, City of Newport Beach (“Cities”), and unincorporated portions of the County of Orange (“County”);
and

WHEREAS, on February 24, 2016 the State Allocation Board authorized an adjustment in the statutory school fee amounts for unified school districts pursuant to Government Code Section 65995(b)(3) to Three and 48/100 Dollars (\$3.48) per square foot for assessable space of residential construction (“Residential Statutory School Fees”), Fifty-Six Cents (\$0.56) per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction (“Commercial/Industrial Fees”), collectively “Statutory School Fees”), as long as such increases are properly justified by the District pursuant to law; and

WHEREAS, residential, and commercial/industrial continues to generate additional students for the District’s schools and the District is required to provide school facilities (“School Facilities”) to accommodate those students; and

WHEREAS, overcrowded schools within the District have an impact on the District’s ability to provide an adequate quality education and negatively impact the educational opportunities for the District’s students; and

WHEREAS, the District does not have sufficient funds available for the construction or reconstruction of the School Facilities, including acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from residential and commercial/industrial construction; and

WHEREAS, the Board has received and considered reports entitled, “Residential Development School Fee Justification Study and Commercial/Industrial Development School Fee Justification Study (“Studies”) which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Fees; (b) the use to which the Statutory School Fees are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential and commercial/industrial construction and (1) the use for Statutory School Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School Fees from residential and commercial/industrial construction; (d) a determination of the impact of the increased number of employees anticipated to result from the commercial/industrial construction (by category) upon the cost of providing School Facilities within the District; (e) an evaluation and projection of the number of students that will be generated by residential construction; (f) the School Facilities that will be required to serve such students; and (g) the cost of such School Facilities; and

51
52 **WHEREAS**, the Studies pertaining to the Statutory School Fees and to the capital facilities
53 needs of the District has been available to the public for at least ten (10) days before the Board
54 considered at a regularly scheduled public meeting the increase in the Statutory School Fees; and
55

56 **WHEREAS**, all notices of the proposed increase in the Statutory School Fees have been
57 given in accordance with applicable law; and
58

59 **WHEREAS**, a public hearing was duly held at a regularly scheduled meeting of the Board
60 relating to the proposed increase in the Statutory School Fees on May 24, 2016; and
61

62 **WHEREAS**, as to the Statutory School Fees, Education Code Section 17621 provides that
63 the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to
64 Education Code Section 17620 shall not be subject to the California Environmental Quality Act,
65 Division 13 (commencing with Section 21000) of the Public Resources Code.
66

67 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF**
68 **THE SANTA ANA UNIFIED SCHOOL DISTRICT AS FOLLOWS:**
69

70 **Section 1.** That the Board accepts and adopts the Studies.
71

72 **Section 2.** That the Board finds that the purpose of the Statutory School Fees imposed
73 upon residential construction are to fund the additional School Facilities required to serve the
74 students generated by the residential construction upon which the Statutory School Fees are
75 imposed.
76

77 **Section 3.** That the Board finds that the Statutory School Fees imposed on residential
78 construction will be used only to finance those School Facilities described in the Studies and related
79 documents, and that these School Facilities are required to serve the students generated by the
80 residential construction within the District; and that the use of the Statutory School Fees will
81 include construction or acquisition of additional School Facilities, remodeling existing School
82 Facilities to add additional classrooms, and technology, and acquiring and installing additional
83 portable classrooms and related School Facilities, with the specific location of new schools,
84 remodeling of existing School Facilities, and additional portables to be determined based on the
85 residence of the students being generated by such residential construction, as well as any required
86 central administrative and support facilities, within the District.
87

88 **Section 4.** That the Board finds that there is a roughly proportional, reasonable
89 relationship between the use of the Statutory School Fees and the residential construction within the
90 District because the Statutory School Fees imposed on residential construction by this Resolution
91 will be used to fund School Facilities that will be used to serve the students generated by such
92 residential construction.
93

94 **Section 5.** That the Board finds that there is a roughly proportional, reasonable
95 relationship between the residential construction upon which the Statutory School Fees are imposed,
96 and the need for additional School Facilities in the District because new students will be generated
97 from residential construction within the District and the District does not have student capacity in
98 the existing School Facilities to accommodate these students.
99

102 **Section 6.** That the Board finds that the amount of the Statutory School Fees imposed on
103 residential construction as set forth in this Resolution is roughly proportional and reasonably related
104 to, and does not exceed the cost of, providing the School Facilities required to serve the students
105 generated by such residential construction within the District.
106

107 **Section 7.** That the Board finds that the purpose of the Statutory School Fees imposed
108 on new commercial/industrial construction is to fund the additional School Facilities required to
109 serve the students generated by the new commercial/industrial construction upon which the
110 Commercial/Industrial Fees are imposed.
111

112 **Section 8.** That the Board finds that the Statutory School Fees imposed on new
113 commercial/industrial construction (by category) will be used only to finance those School
114 Facilities described in the Studies and related documents and that these School Facilities are
115 required to serve the students generated by such new commercial/industrial construction; and that
116 the use of the Statutory School Fees will include construction or acquisition of additional School
117 Facilities, remodeling existing School Facilities to add additional classrooms and technology, and
118 acquiring and installing additional portable classrooms and related facilities, with the specific
119 location of new schools, remodeling of existing School Facilities, and additional portables to be
120 determined based on the residence of the students being generated by such new commercial/
121 industrial construction, as well as any required central administrative and support facilities within
122 the District.
123

124 **Section 9.** That the Board finds that there is a roughly proportional, reasonable
125 relationship between the use of the Statutory School Fees and new commercial/industrial
126 construction by category within the District because the Statutory School Fees imposed on
127 commercial/industrial construction by this Resolution will be used to fund School Facilities which
128 will be used to serve the students generated by such new commercial/industrial construction.
129

130 **Section 10.** That the Board finds that there is a roughly proportional, reasonable
131 relationship between the new commercial/industrial construction by category, upon which the
132 Statutory School Fees are imposed, and the need for additional School Facilities in the District
133 because new students will be generated from new commercial/industrial construction within the
134 District and the District does not have student capacity in the existing School Facilities to
135 accommodate these students.
136

137 **Section 11.** That the Board finds that the amount of the Statutory School Fees imposed on
138 new commercial/industrial construction by category as set forth in this Resolution is roughly
139 proportional and reasonably related to and does not exceed the cost of providing the School
140 Facilities required to serve the students generated by such new commercial/industrial construction
141 within the District.
142

143 **Section 12.** That the Board finds that a separate fund ("Fund") of the District and two or
144 more sub-funds ("Sub-Funds") have been created or are authorized to be established for all monies
145 received by the District for the deposit of Statutory School Fees and mitigation payments
146 ("Mitigation Payments") imposed on construction within the District and that said Fund and Sub-
147 Funds at all times have been separately maintained, except for temporary investments, with other
148 funds of the District as authorized by law.
149

150 **Section 13.** That the Board finds that the monies of the separate Fund or the separate
151 Sub-Funds described in Section 12, consisting of the proceeds of Statutory School Fees and
152 Mitigation Payments have been imposed for the purposes of constructing and reconstructing
153 those School Facilities necessitated by residential and/or commercial/industrial construction, and
154 thus, these monies may be expended for all those purposes permitted by applicable law. The
155 Statutory School Fees may also be expended by the District for the costs of performing any study
156 or otherwise making the findings and determinations required under subdivisions (a), (b), and (d)
157 of Section 66001 of the Government Code. In addition, the District may also retain, as
158 appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected
159 in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the
160 administrative costs incurred by the District in collecting the Statutory School Fees.
161

162 **Section 14.** That the Board hereby increases the Statutory School Fees as a condition
163 of approval of residential development projects and imposes the Statutory School Fees on such
164 development projects in the following amounts:
165

166 a. Three and 48/100 Dollars (\$3.48) per square foot of assessable space for new
167 residential construction, including residential projects, manufactured homes and mobile homes as
168 authorized under Education Code Section 17625, and including residential construction or
169 reconstruction other than new construction where such construction or reconstruction results in
170 an increase of assessable space, as defined in Government Code Section 65995, in excess of five
171 hundred (500) square feet.
172

173 b. Fifty-Six Cents (\$0.56) per square foot of assessable space for new residential
174 construction used exclusively for the housing of senior citizens, as described in Section 51.3 of
175 the Civil Code or as described in subdivision (k) of Section 1596.2 of the Health and Safety
176 Code or a multi level facility as described in paragraph 9 of subdivision (d) of Government Code
177 Section 15432 or any mobile home or manufactured home that is located within a mobile home
178 park, subdivision, cooperative or condominium for mobile homes limited to older persons as
179 defined by the Federal Fair Housing Amendments of 1988.
180

181 **Section 15.** That this Board hereby increases the Statutory School Fees as a condition
182 of approval of new commercial/industrial construction projects and levies the Statutory School
183 Fees on such development projects in the following amounts:
184

185 a. Forty-One Cents (\$0.41) per square foot of assessable space for new hotel/motel
186 construction.
187

188 b. Fifty-Six Cents (\$0.56) per square foot of assessable space for new all other
189 categories of commercial/industrial construction.
190

191 **Section 16.** That the proceeds of the Statutory School Fees increased and established
192 pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds
193 identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for
194 the purpose for which the Statutory School Fees are to be collected, including, as to Statutory
195 School Fees, accomplishing any study, findings or determinations required by subdivisions (a),
196 (b) and (d) of Section 66001 of the Government Code, or retaining an amount not to exceed in
197 any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education
198 Code Section 17620 for reimbursement of the administrative costs incurred by the District in

199 collecting the Statutory School Fees or in financing the described Studies or in defending the
200 imposition of Statutory School Fees.

201
202 **Section 17.** That the District's Superintendent, or designee, is directed to cause a copy
203 of this Resolution to be delivered to the building officials of the Cities and the County along with
204 a copy of all the supporting documentation referenced herein and a map of the District clearly
205 indicating the boundaries thereof, advising the Cities and the County that residential and
206 commercial/ industrial construction is subject to the Statutory School Fees increased pursuant to
207 this Resolution and requesting that no building permit or approval for occupancy be issued by
208 any of these entities for any residential development project, mobile home or manufactured home
209 subject to the Statutory School Fees absent a certification of compliance ("Certificate of
210 Compliance") from the District demonstrating compliance of such project with the requirements
211 of the Statutory School Fees, nor that any building permit be issued for any nonresidential
212 construction absent a certification from this District of compliance with the requirements of the
213 applicable Statutory School Fees.

214
215 **Section 18.** That the Board hereby adopts and establishes the procedures that permit
216 the party against whom the Commercial/Industrial Fees are imposed the opportunity for a
217 hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial
218 construction as stated in Education Code Section 17621 and Government Code Section 66020
219 and 66021.

220
221 **Section 19.** That the Superintendent is authorized to cause a Certificate of Compliance
222 to be issued for each development project, mobile home and manufactured home for which there
223 is compliance with the requirement for payment of the Statutory School Fees in the amounts
224 specified by this Resolution. In the event a Certificate of Compliance is issued for the payment
225 of Statutory School Fees for a development project, mobile home or manufactured home and it is
226 later determined that the statement or other representation made by an authorized party
227 concerning the development project as to square footage is untrue or in the event the zoning is
228 declared invalid, then such Certificate of Compliance shall automatically terminate, and the
229 appropriate City or County shall be so notified.

230
231 **Section 20.** That no statement or provision set forth in this Resolution, or referred to
232 therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed
233 by the District on any residential or nonresidential construction. Notwithstanding the preceding,
234 if the District adopts alternative school facilities fees for residential construction pursuant to
235 Government Code Sections 65995.5, 65995.6 and/or 65995.7 ("Alternative School Facilities
236 Fees"), the District is hereby authorized to collect the Alternative School Facilities Fees in lieu of
237 the Statutory School Fee with respect to residential construction. If the Alternative School
238 Facilities Fees should lapse or be terminated, then the Statutory School Fees shall be collected
239 for residential construction at the amount set forth in this Resolution.

240
241 **Section 21.** That if any portion or provision hereof is held invalid, the remainder
242 hereof is intended to be and shall remain valid.

243
244 **Section 22.** That the increase in the District's Statutory School Fees will become
245 effective sixty (60) days from the date of this Resolution unless a separate resolution increasing
246 the fees immediately on an urgency basis is adopted by the Board.

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The foregoing resolution was considered, passed, and adopted by this Board at its regular meeting of 24th day of May 2016.

Upon motion of Member Amezcu and duly seconded, the foregoing Resolution was adopted by the following vote:

- AYES: John Palacio, Rob Richardson, Valerie Amezcu, and Cecilia Iglesias
- NOES:
- ABSENT Jose Hernandez


STATE OF CALIFORNIA)
) ss:
COUNTY OF Orange)

I, John Palacio, President of the Board of Education of the Santa Ana Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution was duly adopted by the said Board at a regular meeting thereof held on the 24th day of May 2016 and passed by a vote of 4-0 of said Board.



John Palacio, President of the Governing Board for the
Santa Ana Unified School District, State of California

I, Valerie Amezcu, Clerk of the Board of Education of the Santa Ana Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution was duly adopted by the said Board at a regular meeting thereof held on the 24th day of May 2016 and passed by a vote of 4-0 of said Board.



Valerie Amezcu, Clerk of the Board of Education of the
Santa Ana Unified School District, State of California

1 RESOLUTION NO. 15/16-3116

2 BOARD OF EDUCATION

3 SANTA ANA UNIFIED SCHOOL DISTRICT

4 ORANGE COUNTY, CALIFORNIA

5
6 THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
7 AND THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM (SEMS)
8

9
10 WHEREAS, Homeland Security Presidential Directive / HSPD-5, established the
11 National Incident Management System (NIMS) and the Standardized Emergency Management
12 System (SEMS); and

13
14 WHEREAS, the NIMS/SEMS establishes a single, comprehensive approach to
15 domestic incident management to ensure that all levels of government across the
16 Nation have the capability to work efficiently and effectively together using a
17 national approach to domestic incident management; and

18
19 WHEREAS, the NIMS/SEMS provides a consistent nationwide approach for Federal,
20 State, and local governments to work together to prepare for and respond to, and
21 recover from domestic incidents regardless of the cause, size or complexity; and

22
23 WHEREAS, the NIMS/SEMS provides for interoperability and compatibility among
24 Federal, State and local capabilities and includes a core set of concepts,
25 principles, terminology and technologies covering the incident command system,
26 unified command, training, management of resources and reporting; and

27
28 WHEREAS, all federal departments and agencies shall make adoption of the
29 NIMS/SEMS a requirement, to the extent provided by law, for providing Federal
30 preparedness assistance through grants, contracts or other activities to local
31 governments;

32
33 NOW THEREFORE, be it resolved that the Governing Board of the Santa Ana Unified
34 School District hereby adopts the National Incident Management System (NIMS) and
35 the Standardized Emergency Management System (SEMS) as its system of preparing for
36 and responding to disaster incidents.
37
38

39 ADOPTED this 24 day of May, 2016, by the School Board of Santa Ana Unified
40 School District.

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43
44 Upon motion of Member Amezcua and duly seconded, the foregoing Resolution was adopted
45 by the following vote:

46
47 AYES: John Palacio, Rob Richardson, Valerie Amezcua, and Cecilia Iglesias


48 NOES:

49 ABSENT: José A. Hernández

50
51 STATE OF CALIFORNIA)
52) SS:
53 COUNTY OF ORANGE)

54
55
56 I, Richard L. Miller, Secretary of the Board of Education of the Santa Ana
57 Unified School District of Orange County, California, hereby certify that the above
58 and foregoing Resolution was duly adopted by the said Board at a regular meeting
59 thereof held on the 24 day of May, 2016, and passed by a vote of 4-0 of said Board.

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61 IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of May, 2016.

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66 Richard L. Miller, Ph.D.,
67 Secretary of the Board of Education
68 Santa Ana Unified School District
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SANTA ANA UNIFIED SCHOOL DISTRICT

BP 5131 (a)

Students

Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment that is supportive of well-rounded learning experiences, which prepare all of our students for success in college and career. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school at school activities, or using District transportation. To maintain such an environment, the Board believes strongly in working collaboratively and comprehensively with staff, parents, and the community to ensure a District-wide, positive, relationship-based school learning environment. (cf. 0450 - Comprehensive Safety Plan) (cf. 51311 - Bus Conduct) (cf. 5137 - Positive School Climate) (cf. 6145.2 - Athletic Competition) The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, and parent involvement can minimize the need for discipline. When misconduct occurs, staff shall make every effort to identify and correct the causes of the student's behavior prior to use of exclusionary practices (e.g. suspension and expulsions).

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

Student conduct that requires interventions, includes but is not limited to:

1. Conduct that endangers students, staff or others, including but not limited to physical violence, possession of a firearm or other weapon, and terrorist threats. (cf. 5137 - Weapons and Dangerous Instruments) (cf. 5152 - Safety)
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption (cf. 5131.2 - Bullying) (cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment) (cf. 5145.9 - Hate-Motivated Behavior)
3. Conduct that disrupts the orderly classroom or school environment. (cf. 5131.4 - Student Disturbances)

BP 5131 (b)

4. Damage to or theft of property belonging to students, staff, or the District. (cf. 3515.4 - Recovery for Property Loss or Damage) (cf. 5131.5 - Vandalism and Graffiti)

The District shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

5. Obscene acts or use of profane, vulgar, or abusive language. (cf. 5145.2 - Freedom of Speech/Expression)
6. 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)
7. Possession or use of a laser pointer, unless for valid instruction or other school-related purpose. (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

8. 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 valid instruction or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a District employee or in case of an emergency. Any device with camera, video, or voice 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)

9. Plagiarism or dishonesty on school work or tests. (cf. 5131.9 - Academic Honesty) (cf. 6162.54 - Test Integrity/Test Preparation) (cf. 6162.6 - Use of Copyrighted Materials)
10. Inappropriate attire. (cf. 5132 - Dress and Grooming)
11. Tardiness or unexcused absence from school. (cf. 5113 - Absences and Excuses)
12. Failure to remain on school premises in accordance with school rules. (cf. 5112.5 - Open/Closed Campus)

BP 5131 (c)

Employees are expected to provide appropriate supervision to enforce standards of conduct. If an employee observes or receives a report, of a violation of these standards, they are 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 an 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 shall 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.

The Superintendent or designee shall approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to, conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching prosocial behavior or anger management; and participation in a restorative justice program. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. After multiple interventions to address behavior issues have not resulted in improved conduct, the student may be referred to the Pupil Placement Committee. Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as suspension and expulsion, shall be imposed only when required by law and when other means of correction have failed.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for acts enumerated in Education Code 48900 (s) which poses a threat or danger to the safety of students, staff, or district property.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
32280-32289	Comprehensive safety plan
35181	Governing board policy on responsibilities of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
48900-48925	Suspension or expulsion
51512	Prohibition against electronic listening or recording device in classroom without permission

BP 5131 (d)

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 or laser pointer
647 Use of camera or other instrument to invade person's
privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while
driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2 et seq. Title IX, 1972 Education Act Amendments

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

CALIFORNIAN DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 5145.4(a)

Students

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 individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel on the basis of actual or perceived race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, gender, gender identity, gender expression, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. (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 creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. 5145 - Freedom of Speech/Expression)

Strategies for addressing bullying related to actual or perceived race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, gender, gender identity, gender expression, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and shall be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable District and school plans. (cf. 0420 - School Plans/Site Councils) (cf. 0450 - Comprehensive Safety Plan) (cf. 0460 - Local Control and Accountability Plan) (cf. 1220 - Citizen Advisory Committees) (cf. 1400 - Relations Between Other Governmental Agencies and the Schools) (cf. 6020 - Parent Involvement)

The Superintendent or designee may collaborate with social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies that will teach appropriate behavior and

BP 5145.4(b)

intervene restoratively, when students misbehave, to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying. In addition, law enforcement and courts may be utilized as appropriate. (cf. 1020 - Youth Services)

Bullying Prevention

District schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents, or threats and the consequences for engaging in bullying. (cf. 5137 - Positive School Climate)

The District shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, social emotional learning, and appropriate online behavior. (cf. 6142.8 - Comprehensive Health Education) (cf. 6142.94 - History-Social Science Instruction) (cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response including researched based strategies to create supportive, safe spaces for our students and staff. (cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development) Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

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

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators, utilize intervention strategies listed below, and may refer to law enforcement.

The Superintendent, principal, or principal's designee may refer a victim,

BP 5145.4(c)

witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in restorative practices as appropriate. (Education Code 48900.0) (cf. 6164.2 - Guidance/Counseling Services)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, District compliance officer, director of School Climate, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a District compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the District compliance officer identified in AR 1312.3 - Uniform Complaint Procedures. (cf. 1312.3 - Uniform Complaint Procedures)

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service, to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a District compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated, and if determined to be discriminatory, resolved in accordance with law and the District's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about

BP 5145.4(d)

nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint using District policy and practices.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, restorative practices, positive behavioral intervention and supports, and if the behavior continues as severe or pervasive, as defined in Education Code 48900, suspension or expulsion may be used in accordance with District policies and regulations. (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 5144 - Discipline) (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 5144.2 - Suspension and Expulsion/Due Process/Students with Disabilities) (cf. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal. (cf. 4118 - Dismissal/Suspension/Disciplinary Action) (cf. 4119.21/4219.21/4319.21 - Professional Standards) (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:EDUCATION CODE

200-262.4	Prohibition of discrimination
32282	Comprehensive safety plan
32283.5	Bullying; online training
35181	Governing board policy on responsibilities of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
48900-48925	Suspension or expulsion
48985	Translation of notices
52060-52077	Local control and accountability plan

PENAL CODE

422.55	Definition of hate crime
647	Use of camera or other instrument to invade person's privacy; misdemeanor
647.7	Use of camera or other instrument to invade person's privacy; punishment
653.2	Electronic communication devices, threats to safety

BP 5145.4(e)

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, Title 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

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

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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; Bullying of students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

Common Sense Media: <http://www.commonensemedia.org>

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

ON (the) LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>