

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

A G E N D A

REGULAR MEETING – October 18, 2023

CLOSED SESSION – 3 P.M.

OPEN SESSION – 6 P.M.

BOARD OF EDUCATION

**KATE BISHOP • DELIA DOMINGUEZ CERVANTES •
CESAR T. FERNANDEZ • FRANCISCO TAMAYO • LUCY UGARTE**

**EDUARDO REYES, Ed.D.
SECRETARY/SUPERINTENDENT**



THIS MEETING IS BEING RECORDED

In accordance with the Brown Act, all public Board meeting recordings are available for review for 30 days following the meeting, after which they are recycled. Audio recordings are available on the District website at www.cvesd.org.

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IF YOU WISH TO ADDRESS THE BOARD OF EDUCATION

Persons wishing to address the Board of Education on any agenda item may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except the Board of Education or District staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. Speakers must limit remarks to three minutes (generally, statements of 390 words may be spoken out loud within three minutes) and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation depending on the subject and the number of persons wishing to be heard. The meeting will also be livestreamed. For access to the livestream, please [click here](#) (English) and [click here](#) (Spanish) or on the links at the bottom of this page.

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AGENDA AND DISTRIBUTION OF WRITINGS TO MEMBERS OF THE PUBLIC

In compliance with Government Code Section 54957.5, nonexempt writings that are distributed to a majority or all of the Board of Education in advance of a meeting may be reviewed on our website by clicking on the following link:

http://cvesd.org/board_of_education/board_meetings.

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EQUAL OPPORTUNITY EMPLOYER

The Chula Vista Elementary School District prohibits discrimination, harassment, intimidation and bullying based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; 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 in any program, practice or activity it conducts. The Chula Vista Elementary School District is committed to providing equal educational, contracting, and employment opportunity to all in strict compliance with all applicable State and Federal laws and regulations. Any individual who believes they have been a victim of unlawful discrimination in employment, contracting or in an education program or activity may file a formal complaint.

To watch the livestream of the Regular Board Meeting click on the link below or cut and paste it into your browser:

<https://www.youtube.com/live/FMFBtTygtI?feature=shared>

To watch the livestream of the Regular Board Meeting in Spanish click on the link below or cut and paste it into your browser:

<https://www.youtube.com/live/hzfbFV47CUY?feature=shared>

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • (619) 425-9600
EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

AGENDA
BOARD OF EDUCATION

Regular Meeting – October 18, 2023

Closed Session – 3 P.M.

Open Session – 6 P.M.

Dr. Lowell J. Billings Board Room, Education Service and Support Center
Streamed Online

ORDER OF BUSINESS

1. OPENING PROCEDURES

Opening Procedures

A. Call to Order

B. Roll Call

Members Present:

Members Absent:

Others Present:

2. APPROVE AGENDA (Action)

Approve Agenda

Motion: _____, *Second:* _____, *Vote:* _____

3. ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS

*Oral Communications
on Closed Session
Items*

The Oral Communications section provides the public with an opportunity to address the Board on closed session items only. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

4. ADJOURN TO CLOSED SESSION*Closed Session*

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfroost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees; Administrators Association of Chula Vista (AACV)

Government Code Section 54957: Public Employee Discipline/Dismissal/Release

Government Code Section 54956.9(d): Conference with Legal Counsel – Anticipated Litigation, Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: one potential case

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023060657

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023080357

Government Code Section 54957: Public Employee Appointment/ Employment:

Title:

- Principal (2)

5. RECONVENE TO OPEN SESSION*Reconvene to Open Session*

A. Call to Order

B. Roll Call

Members Present:

Members Absent:

Others Present:

C. Pledge of Allegiance

6. APPROVE AGENDA (Action)*Approve Agenda*

*Motion:*_____, *Second:*_____, *Vote:*_____

7. SPECIAL RECOGNITION, AWARDS, AND HONORS*Special Recognition/
Awards, Honors*

- A. Recognition of Hilltop Drive and Corky McMillin Elementary Schools for Being Awarded a Save the Music Grant

8. COMMUNICATIONS TO THE BOARD OF EDUCATION*Communications
to the Board*

- A. Chula Vista Classified Employees Organization
- B. Chula Vista Educators

9. ORAL COMMUNICATIONS*Oral
Communications*

The Oral Communications section provides the public with an opportunity to address the Board on non-agenda items. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

10. ORAL PRESENTATIONS AND WRITTEN REPORTS*Oral Presentations/
Written Reports*

- A. District Safety/Health Update

11. APPROVE CONSENT CALENDAR (Action)*Consent Calendar*

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

*Motion:*_____, *Second:*_____, *Vote:*_____

- A. Adopt Board of Education Meeting Minutes: Regular Meeting September 13, 2023
- B. Approve and/or Ratify Human Resources Items A Through J
- C. Approve Memorandum of Understanding with Chula Vista Educators Regarding Transitional Kindergarten Combination Class Size, Retain Special Transitional Kindergarten Teachers, and Affected Special Day Class Transitional Kindergarten Teachers

- D. Review and Accept Quarterly Report to the San Diego County Office of Education on *Williams* Complaints for the Period of July Through September 2023
- E. Ratify Addendum to the Agreement with YMCA of San Diego County for the Expanded Learning Opportunities Program Dynamic After-School Hours/Junior Academy Program and Chula Vista Elementary School District for the Period of July 1, 2023, Through June 30, 2024
- F. Ratify Memorandum of Understanding Between Chula Vista Elementary School District and Sweetwater Union High School District for Cross-Age Tutoring Program for the Period of September 12, 2023, Through September 1, 2024
- G. Approve Report on Annual Community Facilities Districts Activity for Fiscal Year 2022-23
- H. Approve Annual Report on Statutory Fees and Mitigation Payments for Fiscal Year 2022-23 and Five-Year Report for Fiscal Years 2018-19 Through 2022-23
- I. Adopt Resolution Authorizing Utilization of the Region 4 Education Service Center Request for Proposal No. 20-12 for Audio Visual Equipment, Accessories, and Services from October 19, 2023, Through March 31, 2024
- J. Approve Renewal of Customer Agreement with Frontline Technologies Group, LLC, dba Frontline Education in the Amount of \$16,608.70 for Absence Management and Substitute Placement Services for the Period of November 1, 2023, Through October 31, 2024
- K. Ratify Award of Bid No. 22/23-10, Produce Products, to Gold Star Foods; Food 4 Thought; and Sunrise Produce for the Period of August 14, 2023, Through August 13, 2024
- L. Approve Renewal for Bid No. 22/23-1, Transportation Service, with HopSkipDrive, Inc., for the Period of November 14, 2023, Through November 13, 2024
- M. Adopt Resolution Authorizing Utilization of the Santa Cruz City Schools Bid No. 2020 Facility Supply Services Contract, for the Purchase of Portable Classroom Buildings with American Modular Systems, Inc., for the Period of October 19, 2023, Through June 11, 2024
- N. Approve Agreement to Purchase Two (2) 24' x 40' Portable Classroom Buildings from American Modular Systems, Inc., in the

Amount of \$239,690 Pursuant to Reef-Sunset Bid 2018 Facility Supply Service Contract

- O. Approve Ratification of Contract with PowerSchool Group, LLC, for the Online Registration Platform to Include Enrollment Add-on Form in the Amount of \$116,392.27 for the Period of October 16, 2023, Through October 15, 2024
- P. Adopt Resolution Authorizing Utilization of Val Verde Unified School District Bid No. 21/22-001 for Just N Time Classroom and Office Supplies, with Southwest School & Office Supply for the Period of October 19, 2023, Through June 30, 2024
- Q. Approve Overnight Study Trip for Fourth Grade Students from Corky McMillin Elementary School to the Star of India on January 17-18 and January 24-25, 2024
- R. Approve Overnight Study Trip for Sixth Grade Students from Silver Wing Elementary School to Sacramento/San Francisco on March 24-25, 2024
- S. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through September 30, 2023
- T. Approve and/or Ratify Inservice/Travel Requests

12. PUBLIC HEARINGS

The Public Hearings section provides the public with an opportunity to address the Board on specific items. Persons wishing to address the Board on any public hearing items must complete a "Request to Be Heard" card and submit it to the Recording Secretary start of the meeting or call 619-679-9001 prior to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for input on each public hearing item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments on each public hearing item depending on the topic and the number of persons wishing to be heard.

- A. (1) Conduct Public Hearing on a General Waiver Request to Provide a Reduced-Day Extended School Year Program from June 10 Through July 1, 2024; and

(2) Authorize Application for the General Waiver Request

*Motion:*_____, *Second:*_____, *Vote:*_____

- B. Conduct Public Hearing Regarding Proposed Attendance Boundaries for Sonia Sotomayor Elementary School

13. ADMINISTRATIVE ACTION ITEMS

*Administrative
Action Items*

None.

**14. FIRST AND SECOND READINGS, BOARD POLICIES,
ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS**

*First and Second
Readings*

- A. First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6159, Individualized Education Program

Motion: _____, Second: _____, Vote: _____

- B. First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6159.1, Procedural Safeguards and Complaints for Special Education

Motion: _____, Second: _____, Vote: _____

- C. First and Second Reading/Possible Revision: Proposed Revisions to Board Policy and Administrative Regulation 6159.2, Nonpublic, Nonsectarian School and Agency Services for Special Education

Motion: _____, Second: _____, Vote: _____

- D. First and Second Reading/Possible Revision: Proposed Revisions to Board Policy 6159.3, Appointment of Surrogate Parent for Special Education Students

Motion: _____, Second: _____, Vote: _____

- E. First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6164.4, Identification of Individuals for Special Education

Motion: _____, Second: _____, Vote: _____

- F. First and Second Reading/Possible Revision: Proposed Revisions to Board Policy 6164.5, Student Success Teams

Motion: _____, Second: _____, Vote: _____

15. GENERAL INFORMATION ITEMS/REPORTS

*Information Items/
Reports*

- A. Report Calendar to Board of Education

16. BOARD COMMUNICATIONS

*Board
Communications*

17. SUPERINTENDENT'S COMMUNICATION

*Supt's
Communication*

18. ADJOURNMENT

Adjournment

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, NOVEMBER 15, 2023, AT 4 P.M. CLOSED SESSION AND 6 P.M. OPEN SESSION

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services
and Support

ITEM TITLE:

Recognition of Hilltop Drive and Corky McMillin Elementary Schools for Being
Awarded a Save the Music Grant

 Action

 X **Information**

BACKGROUND INFORMATION:

In partnership with the Save The Music Foundation (STM), the District has been enhancing the educational experience for its students through music since 2013. This collaboration has resulted in developing and sustaining music programs across the District, making music education accessible to a broader range of students.

Since 2013, the District has been the proud recipient of 23 STM grants, totaling an estimated \$600,000 worth of musical instruments distributed across 21 schools. STM Foundation, in partnership with Sound Start: A Sound United Foundation, has awarded two additional music grants of new musical instruments and equipment to support music education at Hilltop Drive and Corky McMillin Elementary Schools. These Intro To Music Grants are comprised of approximately \$25,000 worth of instruments each, including class sets of ukuleles, xylophones, drums, and more.

In addition to these vital resources, the District and STM are collaborating on professional development for our dedicated music teachers, ensuring that our students receive the highest quality music education possible.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Executive Director of Curriculum and Instruction.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

On behalf of the Board of Education, the President will present Certificates of Recognition to Principal Dr. Charles Grisier who will accept on behalf of Hilltop Drive, and Principal Dr. Savannah Sturges who will accept on behalf of McMillin and.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

District Safety/Health Update

_____ **Action**

_____ **X** **Information**

BACKGROUND INFORMATION:

At the August 25, 2021 Board meeting, it was approved to form a District-level Safety Committee, with representation from certificated, classified, and non-represented employees, as well as parents, to advise on the creation and implementation of District safety and health measures, and to oversee site level committees.

Also, all school sites will create a site Safety Committee, with representation from certificated, classified, and non-represented employees, as well as parents, to address site specific safety concerns and help implement District safety measures.

ADDITIONAL DATA:

Tonight, District staff members will provide an update on the District Safety Committee. The District will also share details related to mental health and physical health programs.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

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MINUTES BOARD OF EDUCATION

Regular Meeting – September 13, 2023

Closed Session – 3 P.M.

Open Session – 6 P.M.

Dr. Lowell J. Billings Board Room, Education Service and Support Center
Streamed Online

ORDER OF BUSINESS

1. OPENING PROCEDURES

Opening Procedures

A. Call to Order

President Ugarte called the meeting to order at 3:05 P.M.

B. Roll Call

Members Present:

Ms. Lucy Ugarte, President

Mr. Francisco Tamayo, Vice President

Mr. Cesar T. Fernandez, Clerk

Ms. Kate Bishop, Member

Ms. Delia Dominguez Cervantes, Member

Members Absent:

None.

Others Present:

Dr. Eduardo Reyes, Superintendent

Mr. Oscar Esquivel, Deputy Superintendent

Ms. Sharon Casey, Asst. Supt. Student Services

Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction

Mr. Jason Romero, Asst. Supt. Human Resources

Ms. Lisa Riggs, Area Asst. Supt., Innovation and Instruction

Ms. Rochelle Carroll, Executive Director of Curriculum and
Instruction Services and Support

Ms. Giovanna Castro, Director of Communications

Ms. Araceli Guzman, Supt. and Board of Education Administrative
Manager

2. APPROVE AGENDA (Action)

Approve Agenda

Motion: BISHOP, Second: FERNANDEZ,

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

3. ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS

*Oral Communications
on Closed Session
Items*

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No speakers.

4. ADJOURN TO CLOSED SESSION

Closed Session

President Ugarte adjourned to closed session at 3:08 P.M. in accordance with the following:

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfroost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees; Administrators Association of Chula Vista (AACV)

Government Code Section 54957: Public Employee Discipline/Dismissal/Release

Government Code Section 3549.1(d) and 54957.6: Settlement Agreements

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023040715

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023050023

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023050917

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023070337

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023080040

5. RECONVENE TO OPEN SESSION

*Reconvene to
Open Session*

President Ugarte reconvened to open session at 6:05 P.M. with all Board Members present.

Clerk Fernandez announced that in closed session the Board:

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfroost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees; Administrators Association of Chula Vista (AACV)

Approved Grievance Settlement Agreement Article 10.3.1., Number 22-23:4.

Motion: FERNANDEZ, Second: BISHOP

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Approved Grievance Settlement Agreement Transitional Kindergarten MOU Number 22-23:4.

Motion: BISHOP, Second: FERNANDEZ

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023040715

Approved.

Motion: FERNANDEZ, Second: TAMAYO

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023050023

Approved.

Motion: TAMAYO, Second: BISHOP

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Approved.

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023050917

Approved.

Motion: BISHOP, Second: DOMINGUEZ CERVANTES

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023070337

Approved.

Motion: BISHOP, Second: FERNANDEZ

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2023080040

Approved.

Motion: TAMAYO, Second: DOMINGUEZ CERVANTES

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: NONE

A. Call to Order

President Ugarte reconvened to open session at 6:08 P.M. with all Board Members present.

B. Roll Call

Members Present:

Ms. Lucy Ugarte, President
Mr. Francisco Tamayo, Vice President
Mr. Cesar T. Fernandez, Clerk
Ms. Kate Bishop, Member
Ms. Delia Dominguez Cervantes, Member

Members Absent:

None.

Others Present:

Dr. Eduardo Reyes, Superintendent
Mr. Oscar Esquivel, Deputy Superintendent
Ms. Sharon Casey, Asst. Supt. Student Services
Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction
Ms. Lisa Riggs, Area Asst. Supt., Innovation and Instruction
Mr. Jason Romero, Asst. Supt. Human Resources
Ms. Rochelle Carroll, Executive Director of Curriculum and Instruction Services and Support
Ms. Giovanna Castro, Director of Communications
Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager

C. Pledge of Allegiance

President Ugarte asked Ms. Lisa Riggs to lead the Pledge of Allegiance.

President Ugarte requested a moment of silence for former student from Liberty Elementary and Eastlake High School, Julian Blasing.

6. APPROVE AGENDA (Action)

Approve Agenda

Motion: TAMAYO, Second: BISHOP, Vote: UNANIMOUS

7. SPECIAL RECOGNITION, AWARDS, AND HONORS

*Special Recognition/
Awards, Honors*

A. Recognition of 2023 Positive Behavior Intervention and Support Award Recipient

Executive Director of Curriculum and Instruction Ms. Rochelle Carroll was proud to announce that thirty-eight sites received Positive Behavior Intervention and Support (PBIS) recognition from

the California PBIS Coalition in 2023. Ms. Carroll provided a background of the program and shared the rigorous requirements to meet the criteria for this recognition. She recognized schools with Gold, Silver, and Bronze recognition.

This is the first time we had schools receive Platinum recognition: Halecrest, Heritage, Lilian J. Rice, and Loma Verde.

Board Members presented Certificates of Acknowledgement to the Platinum recipients to acknowledge their accomplishments.

8. COMMUNICATIONS TO THE BOARD OF EDUCATION

*Communications
to the Board*

A. Chula Vista Classified Employees Organization

President Angela Reed stated that classified employment is in a crisis. For too long, the District has relied on staff with minimum training to educate our students with the highest needs. Rather than investing in proactive solutions like competitive pay, professional development, and ensuring adequate staffing levels, once again the District fails to meet immediate crisis.

Staff is burned out and begging for help. We end up in scenarios such as all staff in an SDC classroom taking a personal day on the same day due to stress. Leadership took acknowledgement of the dire circumstances and added behavioral staff to the classroom.

We cannot fill vacancies, and we need to keep our staff. It is time to take CVCEOs demands seriously for additional training days, adequate compensation, and robust professional development.

B. Chula Vista Educators

President Rosi Martinez thanked the Board and Dr. Reyes for taking a more active role in negotiations and transfer language.

CVE looks forward to negotiating next month on wages and compensation. Out of 47 districts in the county, we rank 33 in compensation. The cost of health benefits is already outrageous and are expected to increase next year. This represents about a 10% pay cut in comparison to neighboring districts with full coverage for benefits.

A few issues affecting our working conditions include VAPA teachers treated as substitutes, the learning curve of new curriculum in which material arrived just last week and condensed professional development.

The largest barrier to student learning continues to be behaviors. Tier I support contains no plan on what to do with a violent students

in crisis. No response despite numerous attempts to address these concerns with District staff. Meanwhile, staff continue to get hurt, children are afraid to come to school, and learning is interrupted.

9. ORAL COMMUNICATIONS

Oral Communications

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There were four speakers.

- Parent Robin Alcoba shared concerns regarding her son being bullied and injured in class.
- Parent and Volunteer Parisa Hill shared concerns with lack of supervision and safety in TK and Kindergarten classes at Sunnyside.
- Community Member Tanya Williams inquired about the feasibility of parents volunteering in classrooms.
- Staff Member Kathy Rodriguez spoke regarding classified staff and the lack of substitutes, coverage, and safety in special education classrooms.
- Staff Member Jessica Brown expressed lack of staffing and low pay for classified substitutes.
- Staff Member Sara Wahlroos-Donetto shared concerns regarding students not receiving quality speech and language services due to staff shortages.

10. ORAL PRESENTATIONS AND WRITTEN REPORTS

Oral Presentations/ Written Reports

A. District Safety/Health Update

Mr. Jason Romero provided an update on safety.

43 schools have been assessed by the Sobel Group and CVESD Security Manager, resulting in 87% completion. 41 Schools have had lockdown drills resulting in 81% completion. WeTip 2.0 Anonymous Crime Reporting will be available to staff, students, and parent community and will launch in October. Focus on Security

includes DOJ security camera grant, school vulnerability and security assessments by the Sobel Group, standardization and revision of security procedures, active shooter professional development training, parent safety forums, investment in SRO program, and programs designed to keep schools safe including Raptor, WeTip2.0, AEGIX, IREMX, AI, and Safe Haven.

There were two speakers.

- Parent Ms. E. at Liberty requested additional assistance for Jose Cortez, security manager to perform security concerns that have been pending.
- Parent Cara Good at Liberty supports the request addressed by Ms. E.

Board Members had an opportunity to comment and ask questions and Mr. Romero responded:

WeTip levels of notifications depend on the type of tip. WeTip has a dedicated support line to branch out each tip.

Magnetic locks and lockblocks requested by parents and staff. They will be part of the standardized equipment for each school.

Annual Audit is due to the County in March, and the single site safety plan report is due to the Board in January.

Proper functioning and supplies are needed to ensure emergency readiness. Maintaining supplies and equipment up-to-date is a three-step process.

There are concerns regarding violent students in crisis. Report on internal safety requested by Board Member Bishop and seconded by President Ugarte. Also requested is District-wide staff development on how to manage students in crisis.

Vice President Tamayo requested an additional staff member to support the security manager. President Ugarte suggested a TOSA (Teacher on Special Assignment) for safety. HR will look at establishing a position for support and bring to Board in October.

Parent Safety Forum is being planned for October.

B. Report on Site Social Workers and Counselor Support Efforts

Ms. Sharon Casey introduced Coordinator Andrew Falconer. He and the MTSS (Multi-Tiered Systems of Support) Team presented on social emotional support at the sites.

There are 34 school site-based counselors/social workers- 25 with fulltime support and nine with 2.5 days of support. This was an increase from 30 school site-based counselors/social workers in

2021- 10 with 5 days of support and 31 with 2.5 days of support. Their scope of work includes referral to outside agencies, facilitate Tier III/individual counseling, monitor Tier II and III behavior and SELD interventions, provide Tier II/small group counseling, and model SEL lessons and consult with teachers. Mr. Falconer explained that counselors and social workers both serve in the same role. The only difference is their credential.

The MTSS model for social emotional learning includes Tiered Approach: Tier 1 in classrooms, Tier 2 in small groups, and Tier 3 individualized counseling. Multiple Data Points: support referral forms, other schoolwide data, and behavior referrals.

A typical day of the site counselor/social worker includes greet students and check in with families, consult with teams, support students, 2nd grade anxiety group, 5th grade friendship group, K/1st emotional regulation group, 3rd/4th social skills group, lunch bunch (open session for walk-ins), individual counseling, and end the day with student checkout and meet with families.

During the first six weeks of the 2023/24 school year, the counselor/social worker impact has been 350 crisis interventions and serving 700 students. Student support requires parent consent.

Board Members had an opportunity to comment and ask questions.

Board Member Dominguez Cervantes read out an email she received from a teacher regarding unusual behavioral issues that staff is exposed to.

Dr. Reyes acknowledged that teachers and classified staff need support to better assist students with escalated behaviors. These behaviors increased as a result of Covid-19.

Ms. Casey added that a student with violent behavior cannot be transferred to another school or removed from class. Ed Code prohibits this. She explained and gave examples of the processes in place to address these types of situations.

There is a two-day crisis prevention intervention training for de-escalation strategies, offered to anyone, once a month, every month. School sites send teams to these trainings every month.

President Ugarte requested a break at 8:15 P.M. and meeting reconvened at 8:28 P.M.

11. APPROVE CONSENT CALENDAR (Action)

Consent Calendar

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the

Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

Items 11.A., and 11.B. were pulled by Board Member Dominguez Cervantes; Item 11.C. was pulled by Board Member Bishop; Item 11.E. and 11.N pulled by Clerk Fernandez; and Item 11.B. Subsection K was pulled by Vice President Tamayo.

Motion: TAMAYO, Second: BISHOP, Vote: UNANIMOUS

- A. Adopt Board of Education Meeting Minutes: Regular Meeting August 9, 2023

Board Member Dominguez Cervantes stated that 'tutoring' should be added to Item 10.D. Report on the YMCA Programs. Also, on Board Communications, page 31, 'Palomar' should be added to the Community Schools Grand Opening she attended.

Motion: FERNANDEZ, Second: TAMAYO, Vote: UNANIMOUS

- B. Approve and/or Ratify Human Resources Items A Through K Subsection C. JOB DESCRIPTIONS.

Board Member Dominguez Cervantes stated that the Coordinator of ELOP job description is lacking education and experience under minimum qualifications. Clerk Fernandez motioned to add "minimum one year experience in youth development activities".

Approved.

Motion: FERNANDEZ, Second: BISHOP, Vote: UNANIMOUS

Board Member Dominguez Cervantes expressed that the essential job functions of the Equity and Access Coordinator job description are very extensive.

Board Member Dominguez Cervantes pointed out there is no timeframe for the position of Teacher on Special Assignment – Early Childhood Education. Additionally, she feels that the two-year experience requirement is too low. Mr. Romero explained that Early Childhood has been in existence for only two years. President Ugarte clarified a timeframe is not included in job descriptions because these are not contracts. Dr. Reyes added that timeframes are not added because of changes in funding, needs for the assignment, and other similar factors.

Board Member Dominguez Cervantes inquired about the pay rate for the position of District Community School Director, Range E. Dr. Reyes stated it starts at \$508/daily rate, up to \$589, on a 223-day calendar year.

Subsection K: CONSULTANTS:

Board Member Bishop requested clarification on the Regional Intervention Program training. Ms. Casey explained it is for the PIP Program.

Vice President Tamayo inquired on APEX Fun Run South California, LLC being free of charge. Mr. Romero said this is a fundraiser-type company which makes money from sales. It is like a service charge on a candy sale fundraiser. Mr. Tamayo requested a report on how much money these types of companies make from districtwide sales.

Vice President Tamayo requested clarification on Dudek, Inc. Mr. Esquivel shared it is to request approval for environmental services on a potential school site property at Millenia.

Board Member Dominguez Cervantes questioned the Vincent Pompei \$40,600 contract. The services overlap the duties in the new job description of Equity and Access Coordinator. Ms. Casey shared that Vincent Pompei specializes in providing professional training and coaching to support LGBTQ community/youth based on education code and federal guidelines. Board Member Bishop stated Vincent Pompei is a subject matter expert in this area. She supports the contract.

Approved.

Motion: FERNANDEZ, Second: TAMAYO

Vote: Ayes: BISHOP, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: DOMINGUEZ CERVANTES; Abstain: NONE

- C. Adopt Resolution Acknowledging and Establishing the Second Monday of October as Indigenous Peoples' Day

2023-24.018

Board Member Bishop read out the entire resolution to emphasize the importance of Indigenous Peoples' Day.

Board Member Dominguez Cervantes commented that she had suggested to name the new school Kumeyay.

Approved.

Motion: TAMAYO, Second: FERNANDEZ, Vote: UNANIMOUS

- D. Approve Memorandum of Understanding with Chula Vista Educators Regarding Transitional Kindergarten and Individual Class Size

- E. Ratify Memorandum of Understanding with Sweetwater Union High School District on Behalf of Arroyo Vista, Chula Vista Learning Community, Discovery, Mae L. Feaster, and Mueller Charter

Schools for Participation in Middle School Sports League for the
2023-24 School Year

Clerk Fernandez recused himself from this item.

Motion: TAMAYO, Second: BISHOP

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, TAMAYO, UGARTE

Absent: NONE; Noes: NONE; Abstain: FERNANDEZ

F. Adopt Resolution Proclaiming October 8-14, 2023, as *Week of the School Administrator* in the Chula Vista Elementary School District 2023-24.019

G. Ratify First Amendment to Memorandum of Understanding with Casey Family Programs for the Collaboration Project

H. Ratify Subrecipient Agreement with South Bay Community Services Corporation for Community Assessment Team Services for the Period of July 1, 2023, Through June 30, 2024

I. Adopt Resolution Endorsing the 2023 *RED RIBBON CAMPAIGN* 2023-24.020

J. Ratify Nonpublic, Nonsectarian Individual Services Agreement with ACES for Student No. 308005 for the 2023-24 School Year

K. Ratify Agreement with Scripps Health Services from August 1, 2023, Through June 30, 2024

L. Ratify Agreement with Expatriate Communications for iTAAP Software for the 2023-24 School Year

M. Adopt Resolution Establishing Appropriations Limits for Fiscal Years 2022-23 and 2023-24 Pursuant to Article XIIIB (Gann Amendment) of the California State Constitution 2023-24.021

N. Approve Award of Request for Proposal No. 23/24-8 for Meal and Snack Services for the Extended Learning Opportunities Program to El Tapatio and One Kitchen Collaborative for the Period of September 14, 2023, Through June 30, 2024

Clerk Fernandez inquired on the yearly threshold for vendors requiring a request for proposal. Mr. Esquivel said it's typically \$109,000 but changes each year based on public contract code and inflation index.

Approved.

Motion: FERNANDEZ, Second: TAMAYO, Vote: UNANIMOUS

O. Approve Amendment to Agreement for Maintenance and Operation

of Energy Generation and Resilience Systems with ENGIE Services, Inc., and Authorizing Related Actions

- P. Ratify Award of Bid 22/23-11, Bread Products, to Galasso's Bakery and Gold Star Foods for the Period of August 14, 2023, Through August 13, 2024
- Q. Ratify Award of Bid 22/23-10, Produce Products, to Gold Star Foods; Food 4 Thought, and Sunrise Products for the Period of August 14, 2023, Through August 13, 2024
- R. Adopt Resolution Authorizing Utilization of the Hemet Unified School District Bid No. PUR2023-01, Furniture Bid for the Period of September 14, 2023, Through March 15, 2024 2023-24.022
- S. Adopt Resolution Authorizing Utilization of the San Bernardino County Superintendent of Schools Bid No. 23/24-0005 to Purchase Furniture: System and Stand-Alone from Office Solutions dba Bluespace Interior; Canam Ergonomics, Inc.; Culver-Newlin School & Office Solutions, Inc.; Hertz Furniture Systems, LLC; Lakeshore Learning Materials, LLC; McDowell & Craig Office Systems, Inc.; Nexus Office Environments, Inc.; Office & Ergonomic Solutions, Inc.; School Outfitters; School Specialty, LLC; Sierra School Equipment Company; Tangram Interiors; and Virco, Inc. for the 2023-2024 School Year 2023-24.023
- T. Adopt Resolution Authorizing Utilization of Sourcewell Contract No. 091521-NAF for Automobiles, SUV's, Vans, and Light Trucks with Related Equipment and Accessories Through 72 Hour, LLC, dba National Auto Fleet Group for the Period of September 14, 2023, Through November 8, 2025 2023-24.024
- U. Approve Consultants for As-Needed Division of the State Architect Inspection Services
- V. Approve Consultants for As-Needed Geotechnical, Materials Testing, and Special Inspection Services
- W. Approve Consultants for As-Needed Industrial Hygiene and Environmental Services
- X. Approve Consultants for As-Needed Architectural Services
- Y. Approve Consultants for As-Needed Construction Management Services

Z. Approve Overnight Study Trip for Fourth Grade Students from Palomar Elementary School to the Star of India on April 12-13, 2024

AA. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through August 31, 2023

BB. Approve and/or Ratify Inservice/Travel Requests

Prior to continuing to the Public Hearings section, President Ugarte called on Assistant Superintendent of Human Resources Mr. Jason Romero.

Mr. Romero proudly announced newly hired employees and promoted employees. He feels great pride to be able to promote employees who have grown with the District.

12. PUBLIC HEARINGS

Public Hearings

The Public Hearings section provides the public with an opportunity to address the Board on specific items. Persons wishing to address the Board on any public hearing items must complete a "Request to Be Heard" card and submit it to the Recording Secretary start of the meeting or call 619-679-9001 prior to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for input on each public hearing item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments on each public hearing item depending on the topic and the number of persons wishing to be heard.

A. (1) Conduct Public Hearing Regarding Sufficiency of Instructional Materials and the *Williams* Class Action Settlement; and

President Ugarte opened the public hearing and asked if anyone wished to address this item.

No speakers.

(2) Adopt Resolution for the 2023-24 School Year Regarding Sufficiency of Instructional Materials and the *Williams* Class Action Settlement with the State of California

2023-24.027

Ms. Morales was happy to report no findings or complaints this year. Ms. Rochelle Carroll provided a background of the *Williams* Class Action Settlement. It was filed as a class action in 2000 in San Francisco County Superior Court. It stipulated that lower income community schools had decrepit buildings, insufficient instructional materials, and unqualified teachers.

The San Diego County Office of Education conducted site visits to Harborside and Lauderbach. Both schools met all requirements.

The resolution ensures every student has sufficient core subject textbooks/instructional materials consistent with the content and cycles of the state framework. Ms. Carroll pointed out a correction to page two of the resolution to reflect TWIG Science and iReady Math.

Approved with revisions.

Motion: BISHOP, Second: FERNANDEZ, Vote: UNANIMOUS

13. ADMINISTRATIVE ACTION ITEMS

*Administrative
Action Items*

- A. Approve Submittal of 2022-23 Year-End Summary of Revenues, Expenditures, and Changes in Fund Balances

Mr. Oscar Esquivel presented a report on the 2022-23 estimated actuals budget and unaudited actuals financials where the District closed the books. He provided information on the changes in the General Fund, including estimated actuals budget, unaudited actuals, increases/decreases, restricted designations, reserve for economic uncertainties, unrestrictive revenue and expenditures, contribution changes, and unrestricted designation changes.

Board Members had the opportunity to comment and ask questions.

Board Member Bishop asked about the savings with the solar panels. Mr. Esquivel said the credits were over \$1 million for the year. She also inquired about special education decrease. Mr. Esquivel said that the actual cost of full employment of special education positions was overestimated and there were many unfilled positions totaling an approximate \$800,000 decrease.

Approved.

Motion: BISHOP, Second: FERNANDEZ, Vote: UNANIMOUS

14. FIRST AND SECOND READINGS, BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS

*First and Second
Readings*

- A. First Reading/Possible Revision: Administrative Regulation 4012.4, All Personnel, Occupational Health Services (Pre-Employment Physical Exams)

Mr. Romero explained that with California legalizing marijuana, we do not want to limit employment by restricting something that is legal in our state. Except for drivers and bus drivers, if a candidate tests positive during pre-employment, the individual will be permitted to obtain employment in our District.

Board Member Dominguez Cervantes expressed concern allowing us to hire employees testing positive. Mr. Romero clearly stated that under no circumstances is an employee permitted to be under the

influence during work hours. Dr. Reyes added this is a Zero Tolerance District. Immediate disciplinary action will be taken with any employee under the influence during work hours.

Motion: BISHOP, Second: FERNANDEZ

Vote: Ayes: BISHOP, FERNANDEZ, TAMAYO, UGARTE

Absent: NONE; Noes: DOMINGUEZ CERVANTES; Abstain: NONE

- B. First and Second Reading/Possible Revision: Proposed Revisions to Board Policy and Administrative Regulation 5111.1, District Residency

This is an update to align with current state legislation. Students will not have to reestablish residency on an annual basis unless they move.

Motion: FERNANDEZ, Second: BISHOP, Vote: UNANIMOUS

15. GENERAL INFORMATION ITEMS/REPORTS

*Information Items/
Reports*

A. Report Calendar to Board of Education

Board Member Dominguez Cervantes requested a report on tutoring services provided at each school. In a Board update, she would like information on 1) what impact the attendance coordinator has made; 2) an organizational chart; and 3) procedures followed for employee retention. She also requested information on the funding impact for bilingual pay and would like to see an anonymous reporting system mechanism for students, parents, and staff. Lastly, she asked Ms. Casey to share information on additional funding provided to special education classrooms for supplies.

Board Member Bishop referenced Resolution To Support Equality For All Students approved by the Board in May. Ms. Casey shared that a consultation group was formed for stakeholders as stipulated in the resolution and added that Vinney Pompey is part of consultation.

Clerk Fernandez requested a report from the Pupil Services Department on what services and support they provide to school sites.

Vice President Tamayo requested the following information in a Board update: 1) teacher compensation study with neighboring districts, 2) substitute compensation study and the challenges we face, 3) literacy reading levels per site, 4) the number of registered behavior technicians and the plan with the group, 5) what happened to PIP; and 6) how do we handle situations when teachers take recess away from students. He also requested a report on bonds for 2024, and President Ugarte seconded the request.

President Ugarte requested in a Board Update, 1) the process of parent volunteers and how parents are informed; and 2) how often are school websites updated.

16. BOARD COMMUNICATIONS

Board Communications

Board Member Dominguez Cervantes attended Harborside Community School Grand Opening, Fahari Jeffers One Year Anniversary Celebration, Casillas' 25 Year Anniversary Celebration. She also attended a SANDAG Workshop.

Board Member Bishop attended the Harborside Community School Grand Opening, Fahari Jeffers One Year Anniversary Celebration, Casillas' 25 Year Anniversary Celebration, and Sound Station Grand Opening. Last week she went to Sacramento with Quality California lobbying for LGBTQ youth. Today she met with SDCOE's mental health staff regarding the suicide prevention toolkit. She gave a shoutout to Clearview regarding the book fair where she spent time chairing the event and thanked all the staff still at this meeting.

Clerk Fernandez attended the Harborside Community School Grand Opening, Fahari Jeffers One Year Anniversary Celebration, and DAC/DELAC Parent Meeting in August. He congratulated the District and Mr. Bruder for the Sound Station Grand Opening, and thanked VP Alexis Avina and CEO Nancy Sasaki with United Way for distributing 1,400 backpacks to our students in over eight schools. He shared he has office hour appointments via the website on a new Outlook App called Bookings.

President Ugarte attended Harborside Community School Grand Opening and was happy to see several dignitaries, Fahari Jeffers One Year Anniversary Celebration, Sound Station Grand Opening and seeing Hedenkamp students participate, and along with Dr. Reyes got to celebrate our District Teachers of the Year who moved on to the Cox Salute Teachers of the Year.

17. SUPERINTENDENT'S COMMUNICATION

Supt's Communication

Dr. Reyes thanked the Board for their support and leadership. He is grateful for his amazing Executive Cabinet, and teachers and classified staff. He said what distinguishes our District is the genuine care and commitment from our staff for focusing on our students every single day. He wished everyone a safe and relaxing, well-deserved fall break.

18. ADJOURNMENT

Adjournment

President Ugarte adjourned the meeting at 10:03 P.M.

Motion: FERNANDEZ; Second: TAMAYO; Vote: UNANIMOUS

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, OCTOBER 18, 2023, AT 4 P.M. CLOSED SESSION AND 6 P.M. OPEN SESSION

UNADOPTED

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve and/or Ratify Human Resources Items A Through J

 X **Action**

 Information

BACKGROUND INFORMATION:

A. NEW EMPLOYMENT

Irma Alfiler, Noon Duty Supervisor, 2.75 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, plus 4 percent, effective September 21, 2023

Nora Arebalo, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective October 10, 2023

Victoria Bennett, Resource Teacher, 164 days, Class IV, Step 1, salary \$51,891.24, effective August 15, 2023

Amanda Blake, Special Day Class – Mild/Moderate, Teacher, 136 days, Class IV, Step 3, salary \$47,004.32, effective October 9, 2023

Ivan Bringas, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Harmony Carrera, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 7, 2023

Melissa Casillas, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 8, 2023

Maria Castaneda Fraire, Bus Attendant, 5 hours per day, 5 days per week, Range 16, Step 1, \$16.53 per hour, effective September 18, 2023

Ella Castillo-Roberts, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 18, 2023

Richardo Castro III, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 18, 2023

Judith Crespo, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, plus 4 percent, effective September 7, 2023

Hannah Cruz, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 4 percent, effective September 5, 2023

Emma Delgadillo, Noon Duty Supervisor, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective October 10, 2023

Edith De la Torre Garcia, Noon Duty Supervisor, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 21, 2023

Luz De la Torre, Noon Duty Supervisor, 3.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective August 30, 2023

Jacob Eide, Van Driver, 5 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective August 16, 2023

Abraham Escobar, Facilities Maintenance Manager, 223 Days, Management Salary Schedule, 223 days, Range M, Step 5, \$567.04 per day, effective October 16, 2023

Gloria Espinosa, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 6, \$21.90 per hour, effective October 11, 2023

Beatriz Felix, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 11, 2023

Loren Francia, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Cassidy Funke, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Mabel Garay, Permit Teacher, 136 days, Permit Teacher Salary Schedule Class II, Step 1, salary \$24,395.68, effective October 9, 2023

Maria Gasca Guerrero, Instructional Assistant Transitional Kindergarten, 6 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 25, 2023

Mariana Gomez, Instructional Assistant, 3 hours per day, 5 days per week, Range 15, Step 5, \$19.60 per hour, effective September 11, 2023

Claudia Gonzalez Rojo, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 7, 2023

Edna Gudino Martinez, Child Nutrition Services I, 3.75 hours per day, 5 days per week, Range 15, Step 1, \$16.85 per hour, effective August 21, 2023

Diana Guerrero, Noon Duty Supervisor, 2.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 20, 2023

Lourdes Hiley, Temporary Intervention Teacher, (per Education Code Section 44920), 53 days, Class V Step 1, salary \$17,682.39, effective October 9, 2023, through June 6, 2024

Paula Jaramillo, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective September 1, 2023

Dalia Jasso, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 3, \$19.04 per hour, plus 2 percent, effective September 20, 2023

Adelita Jauregui, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 21, 2023

Danielle Jones, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 28, 2023

Denise Jones, Temporary Art Teacher (per Education Code Section 44920), 151 days, Class III Step 2, salary \$47,344.54, effective September 1, 2023, through June 6, 2024

Samantha Jones, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Meagan Kitchen, Noon Duty Supervisor, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, plus 2 percent, effective September 5, 2023

Katelynn Leonard, Temporary Teacher (per Education Code Section 44920), 136 days, Class III, Step 4, salary \$46,609.92, effective October 9, 2023, through June 6, 2024

Zachary Lines, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, plus 4 percent, effective October 10, 2023

Denisse Lopez, Child Nutrition Services 1, 3.75 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective August 28, 2023

Jonathan Lopez, Music Teacher, 145 days, Class II, Step 1, salary \$43,684.66, effective September 11, 2023

Mindy Lopez, Bus Driver, 6 hours per day, 5 days per week, Range 26, Step 1, \$20.92 per hour, effective September 21, 2023

Miguel Marquez, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Jamie McIlvane, Noon Duty Supervisor, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 14, 2023

Marlene Medina, Instructional Assistant Special, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 14, 2023

Claudia Obaid, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Erica Orara, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective September 7, 2023

Jessica Padilla, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 20, 2023

LouAnne Rodda, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Gabriela Rodriguez, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective September 11, 2023

Jenny Rodriguez Carrazco, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 3, \$19.04 per hour, plus 4 percent, effective September 18, 2023

Serafina Romero Mafnas, , Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 18, 2023

Ysamar Sanchez, Instructional Assistant, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 1, 2023

Jacqueline Sandoval, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective September 5, 2023

Juan Sandoval Jr., Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Madelyn Sandoval, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 18, 2023

Teresa San Miguel, Temporary Teacher (per Education Code Section 44920), 146 days, Class V Step 4, salary \$55,303.34, effective September 11, 2023, through June 6, 2024

Jaysa Saucedo, Instructional Assistant, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective September 21, 2023

Sylvia Serrano, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective September 7, 2023

Rabia Shabbir, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, plus 4 percent, effective September 1, 2023

Geoffrey Stone, Art Teacher, 69.5 days, Class III, Step 2, salary \$21,791.03, effective October 11, 2023

Destenie Taleb, Bus Attendant, 5 hours per day, 5 days per week, Range 16, Step 1, \$16.53 per day, effective September 21, 2023

Melanie Teel, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 6, \$21.90 per hour, plus 4 percent, effective August 31, 2023

Jennifer Tizzard, Temporary Art Teacher (per Education Code Section 44920), 75.5 days, Class III, Step 5, salary \$26,976.91, effective September 5, 2023, through June 6, 2024

Angel Torres, Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Linda Torres Guterrez, Noon Duty Supervisor, 2.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, plus 2 percent, effective August 25, 2023

Tyler Trenga, Delivery Driver/Storekeeper II, 8 hours per day, 5 days per week, Range 25, Step 5, \$24.73 per hour, plus 2 percent, effective October 5, 2023

Daniela Valencia Renteria, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective September 20, 2023

Isaiah Velasquez, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 2 percent, effective October 9, 2023

Michell Vieyra Siqueiros, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 4 percent, effective September 18, 2023

Anna Wheeler, Special Day Class – Mild/Moderate, Moderate/Severe Teacher, 136 days, Class V, Step 9, salary \$62,149.28, effective October 9, 2023

B. REEMPLOYMENT OF CLASSIFIED EMPLOYEES UNDER EDUCATION CODE SECTIONS 45114, 45298. AND 45308

Carla Casas, Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Amairani Corral, Instructional Assistant English Language Learner, 6 hours per day, 5 days per week, Range 17, Step 1, \$17.03 per hour, effective September 5, 2023

Socorro Ortiz, Bus Attendant, 5 hours per day, 5 days per week, Range 16, Step 7, \$21.28 per hour, plus 2 percent effective September 11, 2023

C. ADDITIONAL ASSIGNMENT

Ivan Bringas, Noon Duty Supervisor, 2.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, plus 4 percent, effective October 10, 2023

D. JOB DESCRIPTIONS

Assistant Superintendent of Human Resources Services and Support

The District is updating the job description to meet the needs of our staff and students. General Fund, no additional funds.

Assistant Superintendent of Student Services

The District is updating the job description to meet the needs of our staff and students. General Fund, no additional funds.

Teacher on Special Assignment – Special Education

This is a new position to support the special needs students and funding will be through Medi-Cal Funds.

Emergency Preparedness and Security Manager

The District is updating the job description to meet the needs of our staff and students. General Fund, no additional funds.

Security Program and Safety Operations Manager

This is a new position to work with our District to ensure safe schools. This position will work with safety programs and assist schools in implementing new programs and safety measures. This will be funded by the General Fund.

E. LEAVE OF ABSENCE

Katherine Avila, Counselor, effective October 24, 2023

Jermaine Evans, Custodian I, effective September 18, 2023

Rosa Garcia, Student Attendant, effective October 10, 2023

Silvia Guichenne, Student Attendant, effective November 6, 2023

Cheryl Ingco, Teacher, effective October 9, 2023

Abraham Jimenez Lopez, Accountant, effective September 18, 2023

Brittany Marin, Teacher, effective October 9, 2023

Erika Miramontes, Teacher, effective October 9, 2023

Timothy Mok, Licensed Mental Health Clinician, effective October 30, 2023

Kimberli Richardson, Physical Education Teacher, effective October 16, 2023

Heather Valles, Teacher, effective October 23, 2023

Daniela Zuniga Cordero, Counselor, effective October 11, 2023

F. CHANGE OF ASSIGNMENT

Thomas Perezchica, Teacher to Teacher on Special Assignment for the 2023 - 2024 school year

G. PROMOTIONS

Alexis Akerlund, from Instructional Assistant Special Education to Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 5, \$23.01 per hour, plus 4 percent, effective September 7, 2023

Yvonne Baptista, from Autism and Behavior Support Assistant to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 2 percent, effective October 9, 2023

Jenae Buchanan, from Noon Duty Supervisor to Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective September 11, 2023

Barbara Campos, from School Health Clerk to School Attendance Secretary/Health Specialist, 8 hours per day, 5 days per week, Range 28, Step 1, \$21.90 per hour, effective October 9, 2023

Ruth Castanon Joiner, from Noon Duty Supervisor to Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 5, \$20.92 per hour, effective October 10, 2023

Marcie Cate, from Student Support Assistant (KIDCO) to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Myleen Cerdinio, from Accountant to Medi-Cal Administrative Activities/Local Education Agency Supervisor, 261 days, Supervisory Salary Schedule, Range 25, Step 6, \$7,434.50 monthly, effective October 1, 2023

Susan Conley, from School Attendance Secretary/Health Specialist to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Monica Desroches, from School Health Clerk to Student Placement Technician, 8 hours per day, 5 days per week, 261 days, Range 22, Step 1, \$22.53 per hour, effective September 25, 2023

Anai Garcia, from Instructional Assistant Transitional Kindergarten to Expanded Learning Site Lead, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Alejandro Guevara, from to Custodial Supervisor to Facilities Operations, Management Salary Schedule, 223 days, Range M, Step 1, \$488.92 per day, effective September 28, 2023

Luz Elena Hernandez, from Noon Duty Supervisor to Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 4, \$21.90 per hour, plus 2 percent, effective September 21, 2023

Aldo Jimenez, from Van Driver to Bus Driver, 6.27 hours per day, 5 days per week, Range 26, Step 1, \$20.92 per hour, effective September 1, 2023

Joshua Kohler, from District of Community School Coordinator to District of Community School Director, Management Salary Schedule, 223 days, Range E, Step 1, \$508.51 per day, effective September 15, 2023

Laura Lizarraga, from School Health Clerk to Expanded Learning Site Lead, 200 days, 5 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Angelica Magnuson, from Noon Duty Supervisor to Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 5, \$20.92 per hour, effective September 1, 2023

Sharanieda Martinez, from Secretary I to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, plus 4 percent, effective October 9, 2023

Melissa Noble, from Impact Teacher to Instructional Services Coordinator – Literacy, Management Salary Schedule, 223 days, Range I, Step 3, \$582.72 per day, effective October 23, 2023

Juan Osuna, from Van Driver to Bus Driver, 6 hours per day, 5 days per week, Range 26, Step 1, \$20.92 per hour, effective September 18, 2023

Francisco Ramirez, Jr., from Van Driver to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

Erika Rodriguez, from Instructional Assistant Special Education to Student Attendant, Range 22, Step 2, \$19.99 per hour, effective October 10, 2023

Ramon Velarde, from General Maintenance-Entry Level to Carpenter-Glazier, Range 38, Step 7, \$35.84 per hour, effective September 15, 2023

Karla Velez, from Instructional Assistant Special Education to Expanded Learning Site Lead, 200 days, 8 hours per day, 5 days per week, Range 42, Step 1, \$30.54 per hour, effective October 9, 2023

H. RESIGNATIONS

Adriana Alcaraz, Instructional Assistant, effective September 8, 2023

Anezza Bartulio, Teacher, effective September 23, 2023

Jessica Bravo, Accounting Technician III, effective September 2, 2023

Dana Cary, Occupational Therapist, effective October 10, 2023

Luz De La Torre, Noon Duty Supervisor, effective August 31, 2023

Talia Gamez-Hacegaba, Bus Attendant/Noon Duty Supervisor, effective October 21, 2023

Mabel Garay, Student Attendant, effective September 23, 2023

Oralis Garcia, Noon Duty Supervisor, effective September 23, 2023

Silvia Harrington, Noon Duty Supervisor, effective September 22, 2023

Mayra Martinez, Student Attendant, effective September 23, 2023

Adrianna Lopez, Noon Duty Supervisor, effective September 23, 2023

Arcelia Lopez, Instructional Assistant Special Education, effective September 16, 2023

Erin Marmion, Literacy Coordinator, effective September 30, 2023

Beverly Prange, Principal, effective September 23, 2023

Margarita Ramos Mireles, Noon Duty Supervisor, effective September 22, 2023

Kathleen Rayos, Instructional Assistant – Behavioral Specialist, effective October 11, 2023

America Salais, Child Nutrition Services I, effective September 23, 2023

Jose Sanchez, Dispatcher, effective September 23, 2023

Jesus Vega, Gardener/Groundskeeper-Entry Level, effective September 4, 2023

Maria Vera Moreles, Noon Duty Supervisor, effective September 22, 2023

I. RELEASE

Employee No: 2011723176

J. CONSULTANTS

AEGIX AIM will provide software for an active incident management system to Chula Vista Elementary School District and Dependent Charter Schools. Services will be provided October 1, 2023, through September 30, 2026. There will be a one-time implementation set-up fee Year One of \$113,749.87 and annual fee of \$174,999.80. Year Two annual fee will be \$183,749.79 and Year Three annual fee \$192,937.27. The sum not to exceed \$665,436.73 will be paid from the General Fund.

Apex Therapies, Inc., will provide occupational therapy and speech therapy services. Services will be provided July 1, 2023, through June 30, 2024. The sum not to exceed \$625,000 will be paid from Speech Occupational Therapy and Special Education Speech and Language Funds.

Balfour Beatty Construction will provide preconstruction and construction management services to support the Installation of two (2) portables at the Chula Vista Elementary School District Educational Services and Support Center for the Extended Learning Opportunities Program (ELOP). Construction Management Services shall be at the rate of three and one-half percent (3.5%) of the reasonable and necessary bid construction costs and general condition costs incurred in connection with the project. Services will begin on October 19, 2023, and continue through completion of the Project. Costs will be paid from ELOP funds.

Brock Edwards will provide a bully-free magic program to Camarena Elementary School students. Services will be provided November 6, 2023. The sum not to exceed \$1,020 will be paid from the reimbursable account.

Higher Level Leadership will provide two parent sessions and three student assemblies, and teacher group consulting at Heritage Elementary School. Services will be provided September 1, 2023, through June 14, 2024. The sum not to exceed \$4,100 will be paid from Local Control and Accountability Plan Funds.

I Love A Clean San Diego will provide environmental education presentations to students at several school sites. Services will be provided August 15, 2023, through June 5, 2024 at several school sites. This is free of charge to schools.

Kagan Professional Development will provide services to Calvary Christian Academy K-6 teachers in the area of elementary literacy. Services will be

provided October 19, 2023, through November 22, 2023. The sum not to exceed \$10,000 will be paid Title II and Title IV, Part A Funds.

Adrienne Kamena will coach teachers and students around foundational reading skills and reading comprehension at Halecrest. Services will be provided October 19, 2023, through March 14, 2024. The sum not to exceed \$16,200 will be paid from Title 1 Funds.

Maxim Healthcare Staffing Services will provide teacher, speech, and language services. Services will be provided July 1, 2023, through June 30, 2024. The sum not to exceed \$950,000 will be paid from Special Day Classes Moderate/Severe Fund and the Special Education Speech Language Funds.

Ninyo & Moore is providing a geotechnical investigation and report to include subsurface exploration, geologic and seismic hazards, and engineering analysis for the Millenia Otay Ranch Property. Services will commence October 19, 2023, and continue through project completion at a cost not to exceed \$32,250. Costs will be paid from Community Facilities District and/or other Capital funds.

Claudia J. Peralta, LMFT, will provide services to St. Pius X School K - 6 students in the area of mental health. Services will be provided October 19, 2023, through April 26, 2024. The sum not to exceed \$7,452 will be paid from Title IV, Part A Funds.

Claudia J. Peralta, LMFT, will provide services to St. Rose of Lima School K - 6 students in the area of mental health. Services will be provided October 19, 2023, through April 26, 2024. The sum not to exceed \$10,283 will be paid from Title IV, Part A Funds.

Royale Management Group, LLC, will provide a safe BMX assembly and a safe route to school message at Karl H. Kellogg School. Services will be provided on October 20, 2023. Leonardo Da Vinci Health Sciences Charter School will cover the cost of assembly and invite Kellogg students.

Ruhnau Clarke Architects will provide architectural services related to the installation of two (2) portable classrooms to be located at the District Education Services and Support Center in support of the Extended Learning Opportunities Program (ELOP) services. Work will commence on October 19, 2023, and continue through project completion. Costs of \$107,294 will be paid from ELOP funds.

On July 12, 2023, the Board approved a contract with the San Diego Youth Symphony for the "Opus" program to provide 4-6 students high quality music instruction, instruments to take home, sectionals led by SDYS teaching artists and engaging performances for families. The District would now like to add the SDYS "ChIMES" program to also provide music classes for Transitional Kindergarten (TK) students, along with tools and resources for TK teachers to

integrate music all year. Services will be provided from October 19, 2023, through June 30, 2024. The sum not to exceed \$16,500.00 will be paid from Early Childhood Education funds.

The Regents of the University of California, San Diego with California Reading & Literature Project (CRLP) is providing a three-day professional learning institute to teachers at Sunnyside. Services will be provided October 14, 2023, through June 5, 2024. The sum not to exceed \$14,040 will be provided from the Local Control and Accountability Plan Funds.

The Regents of the University of California, School of Medicine, Department of Ophthalmology will provide vision examinations, hearing screening, prescriptions for glasses and corrective lenses as needed for Preschool Students referred to the Eye Mobile, provide assistance with program evaluation, and advice to District personnel on the need for referral of children for ongoing ophthalmologic and auditory care. Services will be provided July 1, 2023, through June 30, 2024. The District shall pay the provider \$19.50 per student and will be paid from California State Preschool Funds.

The Regents of the University of California, School of Medicine, Department of Ophthalmology will provide vision examinations, hearing screening, prescriptions for glasses and corrective lenses as needed for Transitional Kindergarten Students referred to the Eye Mobile, provide assistance with program evaluation, and advice to District personnel on the need for referral of children for ongoing ophthalmologic and auditory care. Services will be provided July 1, 2023, through June 30, 2024. The District shall pay the provider \$19.50 per student and will be paid from Early Education Funds.

On December 15, 2020, the Board of Education authorized a contract with The Solis Group to provide project labor agreement coordination services for energy generation and resilience systems districtwide for an amount not to exceed \$86,570. Amendment 1 was approved by the Board on February 15, 2023, for an additional \$6,000. On May 24, 2023, Amendment No. 2 was approved by the Board due to an extension of the construction schedule at a reduced rate of \$1,000 per month until the end of September 2023. Due to delays caused by the Department of State Architects (DSA), an extension of the construction schedule is necessary and Amendment No. 3 is now requested at a rate of \$1000 per month until the completion of the project. The adjusted cost will be paid from General Obligation Bond funds and/or other Capital funds.

Stradling Yocca Carlson & Rauth (SYCR) will provide bond and disclosure counsel services relating to general obligation bonds, general obligation refunding bonds, certificates of participation (COPs), and limited obligation bonds. Services will be provided beginning November 15, 2023, and will continue for a period of two years, expiring on November 14, 2025. The fees due will be billed upon earlier of date of bond issuance or 90 days following

end of fiscal year bonds were scheduled to be issued. Fees will be charged for each series of issuance as follows, plus all reasonable and necessary out-of-pocket expenses.

- \$55,000 for each issuance.
- \$35,000 for preparation of Official Statement for each issuance.

Additional services for pre-election services and/or work after closing of sales, amendments of financing documents or agreements, or additional studies or legal analyses requested by the District will be charged at the following hourly rates:

<u>2023-24</u>	
Shareholders	\$550
Associates	\$360
Paralegals	\$140

Pre-election services shall not exceed \$8,500 and will be paid from the General Fund or other lawful source of funds. Fees will only be paid if services are rendered.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

STAFF RECOMMENDATION:

Recommend approval and/or ratification.

MANAGEMENT JOB DESCRIPTION

ASSISTANT SUPERINTENDENT FOR HUMAN RESOURCES SERVICES AND SUPPORT

JOB SUMMARY:

Under the direction of the Superintendent, is responsible for all functions associated with the management of the personnel in the District and contributes to the strategic direction of the District in carrying out the District's Shared Vision and Values, goals, and objectives. Serves as Cabinet member and Superintendent designee.

ESSENTIAL JOB FUNCTIONS:

- Exercises general supervision and direction over all personnel functions, including the organization and management of all activities and records concerning recruitment, employment, assignment, promotion, demotion, transfer, reassignment, absences, and/or dismissal.
- Screens applicants for position openings and ensures that all applicants meet legal requirements for employment with the District.
- Supervises maintenance of personnel records and credentials.
- Conducts selection and exit interviews.
- Controls employment of personnel to maintain compliance with the District budget.
- Develops and maintains a budget process in collaboration with the Fiscal Services Department, utilizing short- and long-term goals to monitor and control personnel costs.
- Develops and maintains positive labor relations through relationship building, trust, and sharing of information.
- Collects data, develops proposals, makes recommendations, and manages the collective bargaining process with employee groups.
- Manages grievance procedures for the District.
- Consults with other District management members concerning personnel needs.
- Directs, supervises, and evaluates personnel assigned to the Human Resources Division.
- Oversees the District's group insurance and fringe benefits program including health insurance and workers' compensation.
- Prepares and implements proactive personnel policies and procedures for the District that are routinely discussed, promoted, and updated.
- Establishes a communication system to keep staff continually informed of important matters.
- Identifies issues of inequity and disparate treatment, while creating solutions for the system.

- Provides leaders with training and development to lead equitable and legal (federal and state) hiring panels that ensure Black, Indigenous, and People of Color (BIPOC); and people with disabilities; and non-gender-conforming and Lesbian, Gay, Bisexual, Transgender and Queer or Questioning persons are offered and given opportunities towards viable employment without regard for age, gender, religion, etc.
- Conducts equity analyses at the department level (e.g., pay, promotions, terminations, etc.).
- **Serves as the District's Equity Compliance Officer and Title IX Coordinator and in coordination with the District's Title IX Officer will facilitate the implementation of the District's policies and procedures related to Title IX, sex discrimination, and sexual harassment; provides ongoing support and training regarding state and federal sex discrimination laws, employee responsibilities, complaint procedures, and related District policies and procedures; and responds to reports of Title IX violations, sex discrimination, or sexual harassment.**
- **Develops, implements, coordinates and conducts educational programs and initiatives designed to educate and support students and employees regarding their rights and obligations under Title IX, including reporting options/responsibilities, support services and grievance procedures.**
- **Interviews, investigates and mediates formal and informal discrimination and harassment complaints, ensuring fair and neutral process for all parties. Reviews and analyzes documents and other evidence, makes determination from findings.**
- **Reviews current systems related to employee selection procedures, affirmation action, equal opportunity and governmental reporting and requirements.**
- Performs other duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

Applicable Credentials:

A master's degree in Education Administration and/or Personnel Management and/or related fields is a minimum requirement. The appropriate supervision or administrative credential is also required.

Training and Experience:

At least five (5) years of increasingly responsible and successful experience as school principal, demonstrated successful experience in employee negotiations, personnel selection, and personnel office management is required. District office-level experience in the personnel field is highly desired.

Assistant Superintendent for Human Resources Services and Support
Page 3

Cabinet Salary Schedule

BOARD APPROVED: 07/24/07

REVISION DATES: 04/14/21

MANAGEMENT JOB DESCRIPTION

ASSISTANT SUPERINTENDENT OF STUDENT SERVICES

JOB SUMMARY:

Under the direction of the Superintendent, the Assistant Superintendent of Student Services oversees the planning, development, implementation, evaluation and maintenance of programs for all aspects of student services including programs for students with exceptional needs, child welfare and attendance; provides training to special education staff, general education staff, administrators, classified staff and parents; monitors program compliance; manages due process cases and mediation; provides curricular resources to teachers and specialists; provides consultation and support to site administrators and staff in the areas of special education and related services and child welfare and attendance; assists in the supervision and evaluation of support staff and assigned personnel; ensures compliance with all local, county, state and federal regulations; and performs other duties as assigned.

DIRECTLY RESPONSIBLE TO:

- Superintendent

IMMEDIATE SUBORDINATES:

- Senior Director, Executive Directors, Directors, Coordinators and managerial staff of Student Services and Special Education.

ESSENTIAL JOB FUNCTIONS:

- Serves as a member of the Superintendent's Cabinet.
- Manages and supervises the Special Education and Student Services Departments.
- Assists in the development and implementation of Board Policy and Administrative Regulations related to Special Education and Student Support Services.
- Develops and maintains budget for Special Education and Student Services based on assessed needs, District philosophy, and State and Federal law and regulations in consultation with the Superintendent and Deputy Superintendent, Business Services.
- Supervises and evaluates Director of Special Education.
- Serves as a resource person for Special Education and Student Support Services committees by facilitating communications, preparing reports, and compiling research.
- Attends Board meetings and prepares agenda items and reports and provides technical information to the Board as requested by the Superintendent or designee; reviews and presents Board items affecting Special Education and Student Services; updates the Board in Closed Session regarding confidential student issues as needed.

- Communicates frequently with all District stakeholders and other agencies and organizations by coordinating and developing means of exchanging information to coordinate activities and programs, resolve issues and conflicts, and facilitate the efficient use of resources.
- Prepares and delivers oral and written reports, recommendations, and presentations regarding Special Education and Student Services to variety of audiences including: the Board, committees, parents, community, SELPA, County Office of Education, State agencies, etc.
- **Serves as the District's Title IX Officer, coordinating and monitoring the District's compliance with Title IX, as well as state civil rights requirements regarding discrimination and harassment based on sex; oversees prevention efforts to avoid Title IX violations; implements the District's discrimination complaint procedures with respect to sex discrimination and sexual harassment; and investigates complaints alleging discrimination based on sex, including sexual harassment.**
- **Serves as the District's 504 Coordinator and monitors and implements the District's compliance with state and federal laws prohibiting disability discrimination, to prevent discrimination against students and employees on the basis of disability.**
- Performs other administrative duties as assigned by the Superintendent.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

- Directs the operation, implementation, and compliance evaluation of the Chula Vista Elementary School District Special Education and Section 504, including Extended School Year (ESY), programs in accordance with state and federal laws, District regulations, employee contracts, and other specially funded program requirements.
- Coordinate Title IX efforts including the development, implementation and monitoring of appropriate policies, procedures and practices designed to comply with federal and state legislation, regulation and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX.
- Provide direction and oversight for all activities of the Title IX program, oversees the intake and investigative process and ensuring it is prompt, effective and equitable and develops, implements, coordinates and ensures timely completion of all mandated training by all employees.
- Responsible for preventing discrimination against students and employees based on a disability and ensuring compliance with all procedures and procedural safeguards required under Section 504.
- Advises the District about the development and implementation of 504 Plans, as well as about policies, procedures and practices and investigates complaints alleging violations of Section 504, discrimination based on disability and disability harassment.

- Coordinates Section 504 process and training, provides parents and/or guardians with procedural safeguards and manages Section 504 grievance procedures.
- Develops and implements short and long-range plans to enhance existing programs and introduce new programs in alignment with the mission, strategic plan, goals, objectives, and policies of the Board of Education and District.
- Supervises, coordinates, and allocates special education staff, programs, resources, and budgets.
- Plans and directs Special Education professional development for Special Education staff, General education staff, and administrators.
- Works cooperatively with site and District administrators to ensure the effective integration of student support services within general and special education intervention programs.
- Coordinates and manages the District Individualized Education Plan (IEP) procedures, including monitoring compliance issues, meeting notification process, and District level IEP transfers.
- Participates in IEP development, monitoring, and computerized software use with respect to goals, objectives, and agreed upon services.
- Serves as district representative to the San Diego County Special Education Local Plan Area (SELPA); assumes responsibility for Regional Programs operated by the District and collaborates with other providers in the SELPA.
- Assists site administrators with the evaluation of special education personnel as needed.
- Coordinates, monitors, and recommends approval of services for students placed in nonpublic schools and/or agencies including monitoring educational services and preparation of master and individual contracts.
- Acts as a community liaison and approves and coordinates referrals with other agencies involved in special education including but not limited to the Department of Mental Health, Regional Center, and independent service providers.
- Prepares for and participates in due process resolution, mediation, and hearings.
- Supervises, coordinates, and allocates support services staff, programs, resources, and budgets including health services, child welfare and attendance, and SARB.
- Assures that site administration implements practices and legal requirements related to health, safety, welfare, and attendance of students.
- Directs the evaluation of the effectiveness of Student Services programs and prepares reports for a variety of audiences at the direction of the Superintendent.
- Implements inter/intra-district transfer process and appeals and maintains records of transfers in collaboration with the Business Services Department.
- Facilitates the resolution of parent complaints regarding student intervention programs and with non-compliance and due process investigations.
- Serves as District administrative coordinator for the implementation and maintenance of Title IX student issues, Section 504, Americans with Disabilities Act (ADA), and custodian of student records.

- Manages Medi-Cal services and billing.
- Attends and conducts meetings, State and regional conferences and workshops to remain current on all issues relating to student services issues.
- Maintains close and effective working relationships among Federal, State, and County agencies; other school districts; community and non-profit organizations; the community and public; and other organizations that work in conjunction with the District.
- Prepares consultant contracts.
- Supervises, reviews, and evaluates the District's independent study program, home hospital program, and individual independent study contracts.
- Performs other duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

Applicable Credentials

Standard Elementary, Multiple Subject, CLAD, Specialist credentials (e.g. Ryan), or PPS credential and a Tier I Administrative Credential.

Training and Experience

Advanced degree in appropriate field (M.S. or Ed.D.). Five years of progressively responsible experience in education administration. Experience in managing state programs and/or grants and site principal experience preferred. Evidence of highly successful teaching experience.

Cabinet Salary Schedule

BOARD APPROVED: 10/19/22

REVISION DATES:

CERTIFICATED JOB DESCRIPTION

TEACHER ON SPECIAL ASSIGNMENT – SPECIAL EDUCATION

JOB SUMMARY:

Under the supervision of the Director of Special Education, the Teacher on Special Assignment – Special Education (“TOSA”) develops and facilitates professional development tools and resources to support special education teachers and students with disabilities (mild/moderate and/or moderate/severe). The TOSA is a special education teacher with experience and expertise in developing, adapting, and implementing curriculum for students with a variety of disabilities. Experience and expertise in implementing the essential elements of effective instruction is required. TOSA shall provide the following types of support: direct, indirect, and/or technical. Direct support involves support provided to a student including modeling teacher/assistant instruction, direct instruction to student, in-class coaching and training of support staff, data collection, student assessment, etc. Indirect support occurs outside of the classroom and it may include providing guidance on IEP writing, IEP meeting facilitation, lesson planning, classroom management, and coordinating the supplementary aides and services (accommodations and modifications) identified by the IEP. Behavior support and classroom management support. Technical support is provided through professional development, coaching, modeling, etc., Experience and expertise in developing and leading professional development, coaching for instructional improvement and demonstrated leadership skills are required.

ESSENTIAL JOB FUNCTIONS:

- Consult, collaborate and coach general and special education teachers and paraprofessionals to support inclusive practices in the least restrictive environment for the purposes of informing and differentiating instruction for students with disabilities.
- Design and deliver professional development and coaching to enhance professional standards.
- Provide professional development to paraprofessional special education staff (prompt fading/appropriate prompting, on the spot accommodations/modifications, access - using the environment or what is available to adapt/implement goals, fostering independence, implementing IEP goals, data collection, instructional strategies, etc.).
- Curriculum accommodations/modifications support– provide guidance to develop or create ELA, math and other academic curricular materials primarily through the use of technology.
- Behavior support and classroom management support – designs and assists with implementation of behavior strategies and BIP's, i.e., support development of behavior goals, social narratives, etc.

- Schedules: student, staff, and classroom scheduling support.
- Environmental: supporting teachers in creating environments to promote student success.
- Special assignments as assigned throughout the year.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

Credential:

Mild/Moderate Credential or Moderate/Severe Credential.

Education:

Bachelor's degree, including all courses to meet credential requirements.

Certificated Salary Schedule:
BOARD APPROVED:

MANAGEMENT JOB DESCRIPTION

EMERGENCY PREPAREDNESS AND SECURITY MANAGER

JOB SUMMARY:

Under administrative direction from the Senior Benefits and Risk Manager, plans, coordinates, and directs the Chula Vista Elementary School District's Emergency Preparedness Program including security threat assessments, emergency/disaster preparation, and Safe Schools Program.

ESSENTIAL JOB FUNCTIONS:

- Educate school staff, parents, and community members in emergency preparedness and response procedures.
- Assist, and evaluate emergency training and exercises completed by school and District staff.
- Organize and coordinate external support to provide resources in an emergency, including identifying and maintaining disaster preparedness supplies at each District facility.
- Coordinate with other agencies, jurisdictions, and levels of government on resource allocation, communications and information management, and public information.
- Attend meetings, workshops, and conferences, including on-going participation in courses offered by Federal Emergency Management Agency to maintain current knowledge of procedures, legislation, regulations, and applicable legal codes.
- Confer and collaborate with District and site administrators, school site staff, and community members.
- Serve as the emergency exercise design officer and is responsible for design and delivery of exercise programs identified in the District's EOP.
- Coordinate and monitor agreements between public safety departments, including the activities of School Resource Officers, for the purpose of improving school climate and safety.
- Coordinate and participate in meetings (e.g., security, emergency preparedness, emergency planning committee, etc.) for the purpose of ensuring that outcomes achieve school, District and/or regulatory objectives.
- Maintain records and create reports regarding emergency preparedness and planning on behalf of the District.
- Perform related duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

- Knowledge of emergency/disaster preparedness, mitigation, response and recovery; relevant local, state, and federal regulations; and principles of program administration and evaluation. Knowledge of strategic and tactical planning conventions are required to help shape policy, and develop implementation and assessment processes.
- Ability to analyze situations and adopt effective courses of action; organize and evaluate data in order to prepare sound recommendations; use computer-based data programs; prepare clear and comprehensive reports; establish and maintain proper records; and interpret, apply, and explain laws, codes, regulations, policies, and procedures.
- Ability to communicate orally and in writing; ability to be effective when dealing with all people, providing leadership, direction, and team building; establishing and maintaining effective working relationships; organizing and communicating information and concepts; setting priorities; and working as part of a team.
- Evidence of successful experience in performing the typical tasks enumerated for this position with increasing responsibility in the management and operation of an emergency preparedness program.
- Bachelor's degree in public administration, criminal justice or related field, or equivalent combination of education and experience. Previous military, law enforcement or Peace Officer Standards and Training certification is desirable.
- Proficient in Microsoft Suite Products.

Management Salary Schedule: Range K
BOARD APPROVED: 04/13/16
REVISION DATES:

**SECURITY PROGRAM AND
SAFETY OPERATIONS MANAGER**

JOB SUMMARY:

Under administrative direction from the Senior Benefits and Risk Management, plans, coordinates, and directs the Chula Vista Elementary School District's Emergency Preparedness Program including security threat assessments, emergency/disaster preparation, and Safe Schools Program.

ESSENTIAL JOB FUNCTIONS:

- Maintain the District's Emergency Operations Plan (EOP) and oversee Safe School plans for each school site.
- Oversee community townhall meetings.
- Educate school staff, parents, and community members in emergency preparedness and response procedures.
- Develop, assist, and evaluate emergency training and exercises completed by school and District staff.
- Organize and coordinate external support to provide resources in an emergency, including identifying and maintaining disaster preparedness supplies at each District facility.
- Seek grant opportunities, prepare, and monitor budgets, and prepare and submit data reports and evaluations related to emergency preparedness and school safety as required by local, state, or federal agencies.
- Coordinate with other agencies, jurisdictions, and levels of government on resource allocation, communications and information management, and public information.
- Attend meetings, workshops, and conferences, including on-going participation in courses offered by Federal Emergency Management Agency to maintain current knowledge of procedures, legislation, regulations, and applicable legal codes.
- Confer and collaborate with District and site administrators, school site staff, and community members.
- Serve as the emergency exercise design officer and is responsible for design and delivery of exercise programs identified in the District's EOP.
- Ensure District is compliant with all state and federal regulations pertaining to safe schools and emergency management (e.g., Standardized Emergency Management System, National Incident Management System, etc.).
- Coordinate and monitor agreements between public safety departments, including the activities of School Resource Officers, for the purpose of improving school climate and safety.

- Conduct and facilitate meetings (e.g., security, emergency preparedness, emergency planning committee, etc.) for the purpose of ensuring that outcomes achieve school, District and/or regulatory objectives.
- Maintain records and create reports regarding emergency preparedness and planning on behalf of the District.
Perform related duties as assigned.

ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:

- Knowledge of emergency/disaster preparedness, mitigation, response and recovery; relevant local, state, and federal regulations; and principles of program administration and evaluation. Knowledge of strategic and tactical planning conventions are required to help shape policy, and develop implementation and assessment processes.
- Ability to analyze situations and adopt effective courses of action; organize and evaluate data in order to prepare sound recommendations; use computer-based data programs; prepare clear and comprehensive reports; establish and maintain proper records; and interpret, apply, and explain laws, codes, regulations, policies, and procedures.
- Ability to communicate orally and in writing; ability to be effective when dealing with all people, providing leadership, direction, and team building; establishing and maintaining effective working relationships; organizing and communicating information and concepts; setting priorities; and working as part of a team.
- Evidence of successful experience in performing the typical tasks enumerated for this position with increasing responsibility in the management and operation of an emergency preparedness program.
- Bachelor's degree in public administration, criminal justice or related field, or equivalent combination of education and experience. Previous military, law enforcement or Peace Officer Standards and Training certification is desirable.
- Proficient in Microsoft Suite products.

Management Salary Schedule: Range K
BOARD APPROVED:
REVISION DATES:

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources
Services and Support

ITEM TITLE:

Approve Memorandum of Understanding with Chula Vista Educators Regarding Transitional Kindergarten Combination Class Size, Retain Special Transitional Kindergarten Teachers, and Affected Special Day Class Transitional Kindergarten Teachers

 X Action

 Information

BACKGROUND INFORMATION:

Chula Vista Educators and Chula Vista Elementary School District entered into a Memorandum of Understanding (MOU) to support the needs of our transitional kindergarten students and the staff that work in these classrooms.

ADDITIONAL DATA:

A copy of the MOU and additional information are available for review in the Office of the Human Resources and Support Services.

FISCAL IMPACT/FUNDING SOURCE:

The fiscal impact associated with this MOU will be covered by the General Fund.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services
and Support

ITEM TITLE:

Review and Accept Quarterly Report to the San Diego County Office of Education on *Williams* Complaints for the Period of July Through September 2023

_____ **Action**

_____ **X** **Information**

BACKGROUND INFORMATION:

In May 2000, a lawsuit was filed against the State of California claiming that low-performing schools throughout the state were housed in facilities that were dirty, unsafe, and inadequate with further allegations that these schools were additionally burdened with unqualified teachers and insufficient instructional materials. A settlement in *Williams vs. California* was reached in August 2004 and subsequently enacted into law through Senate Bills 6 and 550 and Assembly Bills 1550, 2727, and 3001 (chaptered September 29, 2004).

The intent of the *Williams* settlement is to ensure that all students have equal access to:

- ☐ Instructional materials
- ☐ Qualified teachers
- ☐ Safe, clean, and adequate facilities

ADDITIONAL DATA:

A stipulation of the settlement is that all school districts must update Uniform Complaint Procedures to include:

- ☐ Instructional materials.
- ☐ Teacher vacancies and misassignments.
- ☐ Emergency or urgent facilities issues.

Notices are posted in each classroom in every District school informing parents/guardians that all classes in all California public schools must have sufficient instructional materials and that the facilities must be clean, safe, and in

“good repair.” The notices also provide information on how and where to file a complaint.

A quarterly summary report of complaints must be presented to the Board and to the San Diego County Office of Education. For the period of July through September 2023, no *Williams* complaints were filed in the District.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend review and acceptance.

Chula Vista Elementary School District

QUARTERLY UNIFORM COMPLAINT REPORT SUMMARY

**For submission to the Chula Vista Elementary School District
Board of Education**

and

San Diego County Office of Education

District Name: Chula Vista Elementary School District

Quarter covered by this report: July – September 2023

	Number of complaints received in quarter	Number of complaints resolved	Number of complaints unresolved
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and Misassignment	0	0	0
Totals:	0	0	0

Submitted by: Rochelle Carroll

Title: Executive Director of Curriculum and Instruction

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services
and Support

ITEM TITLE:

Ratify Addendum to the Agreement with YMCA of San Diego County for the Expanded Learning Opportunities Program Dynamic After-School Hours/Junior Academy Program and Chula Vista Elementary School District for the Period of July 1, 2023, Through June 30, 2024

 X Action

 Information

BACKGROUND INFORMATION:

For many years, YMCA of San Diego County (YMCA) has demonstrated great commitment to children by providing safe and nurturing after-school programs that support academic achievement, offer opportunities for cultural and artistic enrichment, and provide organized recreational opportunities. The YMCA has operated the Dynamic After-School Hours (DASH)/Junior Academy Program in the District with great success since October 1999 and is prepared to continue for the 2023-24 school year.

ADDITIONAL DATA:

The YMCA will provide Expanded Learning Opportunities Program (ELOP) DASH/Junior Academy Intersession and Sports services at the following 25 sites:

Ella B. Allen	Fahari L. Jeffers	Rosebank
Enrique S. Camarena	Karl H. Kellogg	Salt Creek
Joseph Casillas	Liberty	Sunnyside
Chula Vista Hills	Thurgood Marshall	Burton C. Tiffany
Clear View	Corky McMillin	Valley Vista
EastLake	Saburo Muraoka	Veterans
Halecrest	Olympic View	Wolf Canyon
Anne and William Hedenkamp	Parkview	
Heritage	Greg Rogers	

Additional information is available for review in the Office of the Director of ELOP.

FISCAL IMPACT/FUNDING SOURCE:

The total cost to operate the ELOP DASH/Junior Academy will be \$3,942,820 and will be paid from ELOP funds.

DASH ELOP Program	\$3,397,942
Sports Enrichment	\$120,681
Junior Academy Program	\$424,197
Total	\$3,942,820

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services
and Support

ITEM TITLE:

Ratify Memorandum of Understanding Between Chula Vista Elementary School District and Sweetwater Union High School District for Cross-Age Tutoring Program for the Period of September 12, 2023, Through September 1, 2024

 X Action

 Information

BACKGROUND INFORMATION:

Cross-Age Tutoring is a peer tutoring approach that joins students of different ages, with older students assuming the role of tutor and younger students assuming the role of tutee.

Sweetwater Union High School District (SUHSD) will work with District schools with their best interests and schools in mind to provide tutoring opportunities to SUHSD students and enhanced learning opportunities for District students via a mutually beneficial Cross-Age Tutoring Program.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Executive Director of Curriculum and Instruction.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Report on Annual Community Facilities Districts Activity for Fiscal Year
2022-23

 X Action

 Information

BACKGROUND INFORMATION:

In September 2000, the Governor signed legislation known as Senate Bill 165, Chapter 535, Statute 2000. Chapter 535 adds Sections 50075.3 and 53411 to the Government Code and requires the filing of an annual report on all voter-approved special taxes and bonded indebtedness. Government Code Section 53343.1 also sets forth the required contents of the report that must be made available to any requesting individual who resides or owns property within a Community Facilities District. Annual reports must be filed with the Board of Education no later than October 31 of each year.

ADDITIONAL DATA:

The District's report for the year ending June 30, 2023, is attached. Detailed information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.



Chula Vista Elementary School District

Community Facilities Districts Nos. 1-6, 10-15, and 17-21

Annual Report Fiscal Year 2022-23

**Presented to the Board of Education
October 18, 2023**

By Business Services and Support
Oscar Esquivel, Deputy Superintendent
Kristin Armatis, Director of Fiscal Services and Support
Bernadette Faustino, Accounting Manager

On September 18, 2000, the Governor signed legislation known as Senate Bill 165, Chapter 535, Statute 2000. Chapter 535 adds Sections 50075.3 and 53411 to the Government Code. In effect, these two code sections require the filing of certain information and an annual report on all voter-approved special taxes and bonded indebtedness. Section 53343.1 of the Government Code also sets forth the required contents of an annual report that must be made available to any requesting individual who resides or owns property within a Community Facilities District (CFD). The reports are to be filed with the Board of Education no later than October 31 of each year.

General Description

Since 1986, the Chula Vista Elementary School District (CVESD) has formed 17 Mello-Roos CFDs to finance certain school construction within CVESD. The following is a brief description identifying the location of each CFD.

Community Facilities District No. 1

This CFD is located in the eastern portion of the City of Chula Vista (the “City”), east of Interstate 805, south of Bonita, and west of the Otay Lakes Reservoir (with part of the boundary outside City limits). It consists of 3,230 acres, and its boundaries are those of the Eastlake Master-Planned Community. It will contain approximately 9,557 residential dwelling units and athlete dormitories when fully developed. Of this number, approximately 9,552 have been completed or are currently under construction.

Community Facilities District No. 2

This CFD is located in the southeastern portion of the City, east of Interstate 805, roughly between Otay Lakes Road and Corral Canyon Road. It consists of 365.5 acres, and its boundaries are those of Units Nos. 4 through 7 of a larger area known as the Bonita Long Canyon Development. This CFD is fully developed and consists of approximately 423 dwelling units. FY 2017-18 represented the last year for which taxes were authorized to be levied in this CFD and it is anticipated that FY 2022-23 will represent that last year for which revenues and/or expenditures will be allocated to CFD No. 2 and included in this report.

Community Facilities District No. 3

This CFD is located in the eastern portion of the City, east of Interstate 805, roughly between Otay Lakes Road and Telegraph Canyon Road. It consists of 1,600 acres, and its boundaries are those of the Rancho del Rey Development. It will contain approximately 3,915 dwelling units at build out. Of this number, approximately 3,908 have been completed or are currently under construction.

Community Facilities District No. 4

This CFD is located in the southeastern portion of the City, east of Interstate 805, and south of Telegraph Canyon Road. It consists of 704 acres, and its boundaries are those of the Sunbow (Rancho del Sur) Development. This CFD is largely developed and when fully developed is expected to consist of approximately 3,056 dwelling units. Currently there are 2,332 fully developed residential units in the CFD.

Community Facilities District No. 5

CFD No. 5 was an annexable CFD with annexation boundaries coterminous with the boundaries of CVESD. This CFD was used to annex small developments and did not provide for the levy of special taxes on undeveloped property. The original formation included a 76-unit condo project. In addition, 10 additional projects were added to this CFD and these 11 projects represent

approximately 791 dwelling units at build out. Of this number, approximately 759 have been completed or are currently under construction.

Community Facilities District No. 6

This CFD is located south of Telegraph Canyon Road. It is represented by property initially owned by Baldwin Communities and is bisected by property being developed by McMillin Communities, which is within CFD No. 11. Specifically, this CFD consists of approximately 940 gross acres within the City and is bounded by Telegraph Canyon/Otay Lakes Road on the north, Olympic Parkway to the south, Paseo Ranchero to the west, and CFD No. 1 to the east. This CFD is fully developed and consists of approximately 4,272 dwelling units of which 247 dwelling units are age-restricted.

Community Facilities District No. 10

CFD No. 10 is an annexable CFD with annexation boundaries coterminous with the boundaries of CVESD. This CFD is used to annex small developments and does not provide for the levy of special taxes on undeveloped property. It was initially formed to accommodate the Bella Nevona development, a 28 single-family detached project built by Western Pacific Housing. Since its formation, an additional nine projects have been added to this CFD representing approximately 2,253 dwelling units at build out. Of this number, approximately 2,149 have been completed leaving a single project identified as El Dorado Ridge as undeveloped.

Community Facilities District No. 11

This CFD is located south of Telegraph Canyon Road/Otay Lakes Road and is represented by property located in the development known as Lomas Verdes. The project is being developed by McMillin Communities. Specifically, this CFD consists of approximately 700 gross acres within the City and is bounded by Telegraph Canyon Road/Otay Lakes Road on the north, Olympic Parkway to the south, and CFD No. 6 to the east and west. This CFD is fully developed and consists approximately 2,979 dwelling units.

Community Facilities District No. 12

This CFD is located in Otay Ranch and is located more specifically in the area known as Village One West. It is bounded by Telegraph Canyon Road to the north, Olympic Parkway to the south, Paseo Ranchero to the east, and the easternmost portion of CFD No. 4 to the west. This CFD is fully developed and consists of approximately 909 single-family detached homes.

Community Facilities District No. 13

This CFD is located to the northeast of Eastlake Hills and Eastlake Shores and east of CFD No. 2. It is represented by property located in the development known as San Miguel Ranch. The project is being developed by Trimark Homes. Specifically, this CFD is fully developed and consists of 357 gross acres and approximately 1,315 dwelling units. The project is bisected by a right-of-way for State Route 125.

Community Facilities District No. 14

This CFD is located just south of Eastlake Greens and primarily will consist of residential neighborhoods located to the northwest of the southern extension of Hunte Parkway. This area is largely identified as Village 11 within the Otay Ranch Specific Plan and was developed through a joint venture of Brookfield Homes and Shea Homes. This CFD is fully developed and consists of approximately 662 gross acres containing 2,288 residential dwelling units.

Community Facilities District No. 15

This CFD is located just south of Olympic Parkway and Otay Ranch Village One and west of the southern portion of CFD No. 11. This area is largely identified as Village 6 within the Otay Ranch Specific Plan and is being developed by The Otay Ranch Company. This CFD is fully developed and consists of approximately 184 gross acres and contains approximately 1,537 dwelling units.

Community Facilities District No. 17

This CFD is located just south of Olympic Parkway and the southern portion of CFD No. 11 and is bisected by La Media Road. The Otay Ranch Company formed CFD No. 17 to mitigate the impact on school facilities of its development in Otay Ranch Villages 2 and 7. Recently, the southern and western portions of Village 2 were included in the District's newest CFD (CFD 19) and the portion of Villages 2 and 7 that still remain in CFD 17 will contain approximately 2,717 dwelling units at build out. Of this number, approximately 2,512 have been completed or are currently under construction.

Community Facilities District No. 18

This CFD is located in eastern Chula Vista south of Birch Road and is bounded by Eastlake Parkway and State Route 125 to the east and west, respectively. CFD No. 18 was initially developed by McMillin Communities, but is now being developed by Meridian Communities. Once completed, CFD 18 will contain a mix of retail and commercial development, and approximately 2,835 small

detached and attached dwelling units of which 2,610 are currently developed or under construction and of these units 123 units represent senior housing.

Community Facilities District No. 19

This CFD was formed and incorporates developments located in two non-contiguous tax zones in eastern Chula Vista. Tax Zone 1 consists of a mixed-use development referred to as Planning Area 12 (Freeway commercial) which was formerly within CFD No. 1 and Tax Zone 2 represents the southern and western portions of Village 2 which were formerly within CFD No. 17. At buildout, this CFD is expected to consist of approximately 3,115 dwelling units at buildout of which 1,882 are currently developed or under construction.

Community Facilities District No. 20

This CFD encompasses the residential development to be developed in Village 3 of the Otay Ranch with Heritage Road to the north and west and Main Street located to the south. At buildout, this CFD is expected to consist of approximately 1,026 single-family attached and detached dwelling units of which 948 are currently developed or under construction. Excluded from this figure are 272 apartment units which were excluded from the CFD.

Community Facilities District No. 21

This CFD encompasses approximately 300 gross acres and includes the residential development Cota Vera to be developed in the western portion of Village 8 of the Otay Ranch with Santa Luna St to the north and Main Street located to the south and the development is largely bisected by the extension of La Media Rd. At buildout, this CFD is expected to consist of approximately 2,334 single-family attached and detached dwelling units as well as several hundred apartment units. Currently 990 dwelling units are developed or under construction.

Purpose of the Bonds and Authorized Facilities Funding

In total, CVESD has issued approximately \$300 million in CFD Certificates of Participation (COPs) and bonds since 1988 to finance various authorized facilities. Generally, the facilities authorized to be acquired or constructed with the bond proceeds include the acquisition of elementary school sites and the design, construction, lease, equipping, and/or improvements thereon of elementary school facilities. The following table identifies the section in each respective resolution of formation that describes the authorized facilities for each CFD.

Authorized Facilities Reference

CFD	Resolution Establishing CFD	Date of Establishment	Section Authorizing Facilities
1	86-87.07	July 8, 1986	Section 4
2	87-88.56	January 5, 1988	Section 4
3	88-89.54	October 18, 1988	Section 4
4	88-89.59	October 18, 1988	Section 4
5	88-89.72	November 15, 1988	Section 4
6	98-99.29	August 21, 1998	Section 6
10	98-99.70	October 7, 1998	Section 6
11	98-99.73	October 7, 1998	Section 6
12	2000-01.60	November 17, 2000	Section 6
13	2001-02.07	July 17, 2001	Section 6
14	2002-03.66	January 14, 2003	Section 6
15	2002-03.68	January 14, 2003	Section 6
17	2005-06.46	October 18, 2005	Section 6
18	2012-13.93A	April 17, 2013	Section 6
19	2015-16.116	May 18, 2016	Section 6
20	2016-17.145	May 3, 2017	Section 6
21	2021-22.040	September 15, 2021	Section 6

CVESD Bonds and Authorized Funding

The following chart summarizes debt issues currently outstanding for which the repayment is derived from special taxes levied within the District's CFDs.

Year of Issuance	Amount	Purpose	School Site(s)
2010	\$11.2 million refunding COPs*	Refund outstanding 2000 COPs	The 2000 COPs were issued to help finance construction of Corky McMillin Elementary.
2013	\$41.6 million refunding COPs*	Refund outstanding 2001, 2002, 2003 Series A, and 2003 Series B COPs.	The refunded COPs were issued to help finance the construction of Corky McMillin, Anne & William Hedenkamp, and Salt Creek Elementary Schools, and for the completion of expansion efforts at several schools serving various CFD developments.
2014	\$42.4 million refunding COPs*	Refund outstanding 2004 and 2006 COPs	The 2004 and 2006 COPs were issued to help finance Veterans Elementary and Wolf Canyon Elementary.
2016	\$36.8 million COPs	Finance new school construction	Saburo Muraoka Elementary

2016	\$6.6 million refunding COPs*	Refund outstanding 1997 and 1999 special tax bonds	The 1997 and 1999 special tax bonds were issued to help finance the construction cost of Joseph Casillas Elementary and Arroyo Vista Charter Elementary.
2020	\$25 million COPs	Finance new school construction	Fahari L. Jeffers Elementary
2021	\$60 million COPs	Finance new school construction	Sonia Sotomayor Elementary School at Otay Ranch Village 2 Site 2 (scheduled to open in July 2024)
2021	\$16.4 million COPs	Refund outstanding 2011 COPs.	The 2011 COPs were issued to help finance Enrique S. Camarena Elementary.

*Refunded bonds to reduce interest rate payments.

Thus, for the 2022-23 tax year, debt service payments to be paid with special tax funds are the amounts due for the outstanding five refunding COPs in 2010, 2013, 2014, 2016 and 2021; and the “new money” COPs issued in 2016, 2020 and 2021.

Application of Proceeds

No COPs or CFD bonds were sold during fiscal year 2022-23.

Account Activity

During fiscal year 2022-23 funds collected and expended were as follows.

All Funds	Beginning Balance July 1, 2022	\$123,130,239
	Revenue	23,339,613
	Expenditures	<51,236,327>
	Ending Balance June 30, 2023	\$95,233,525

Status of Project Improvements

During fiscal year 2022-23, the following expenditures occurred from the CVESD School Account:

- \$17,641,767 was used to pay the scheduled debt service on the outstanding COPs bonds.
- \$4,756,594 was used for the new school construction expenditures for Fahari L. Jeffers Elementary School.
- \$28,613,005 was used for the new school construction expenditures for Sonia Sotomayor Elementary School which is scheduled to open in the 2024-25 school year.

- \$224,961 was used for other projects and to pay the cost of collecting taxes and other administrative expenses.

Summary of Annual Revenues and Expenditures

On September 26, 2002, the Governor signed legislation known as Assembly Bill 2851, Chapter 960, an act to add Sections 53343.1 and 53344.4 to the Government Code relating to CFDs. This legislation requires that for CFDs formed after January 1, 1992, (a) an annual report be prepared identifying the amount of special taxes collected along with associated interest earnings and how such revenues are expended, and (b) a certification and explanation by the district of how the moneys described in subdivisions (d), (e), (f), and (g) comply with Section 53343 and that this annual report be made available to the public within 120 days of the end of the fiscal year. In order to comply with the requirements of AB 2851, incorporated in this annual report is a summary of annual revenues and expenditures (Attachment A) and a certification of compliance (Attachment B). An annual report for each of the CFDs in CVESD is on file in the Office of the Deputy Superintendent.

ATTACHMENT A

Chula Vista Elementary School District
Annual CFD Report FY 2022-23
Worksheet for Preparation of CFD Annual Report
(Pursuant to Section 53343.1 of the California Government Code)

	Percentage	Amount
CFD Revenues for FY 2022-23		
Special Tax Collections - Gov't Code 53343.1(a) (Oracle)	93.6	\$ 21,834,959.09
Interest Earnings - Gov't Code 53343.1(b) (Oracle & Treasurer)	5.6	1,318,587.01
Other Sources - Gov't Code 53343.1(b)		
Delinquencies (Oracle)	1.4	315,716.95
Loan Repayments	0.0	-
Bond Proceeds	0.0	-
Mitigation Fees	0.0	-
Special Tax Prepayments	0.0	-
Other - Reimbursements	(0.6)	(129,650.00)
Total CFD Revenues	100.0	\$23,339,613.05
CFD Expenses for FY 2022-23		
Facilities Including Property -- Gov't Code 53343.1(d)(1):		
Acquisition of Property:		
Paid from Bond Proceeds -- Gov't Code 53343.1(e)	21.6	11,079,194.50
Paid from Special Taxes -- Gov't Code 53343.1(e)	0.0	-
New School Construction		
Paid from Bond Proceeds -- Gov't Code 53343.1(e)	34.2	17,533,810.38
Paid from Special Taxes -- Gov't Code 53343.1(e)	9.3	4,756,594.22
Purchase or Lease of Relocatables		
Paid from Bond Proceeds -- Gov't Code 53343.1(e)	0.0	-
Paid from Special Taxes -- Gov't Code 53343.1(e)	0.0	-
Other Facilities Expenditures		
Paid from Bond Proceeds -- Gov't Code 53343.1(e)	0.0	-
Paid from Special Taxes -- Gov't Code 53343.1(e)	0.0	14,564.45
Services - Gov't Code 53343.1(d)(2)		
Paid from Bond Proceeds -- Gov't Code 53343.1(f)	0.0	-
Paid from Special Taxes -- Gov't Code 53343.1(f)	0.0	-
Costs of bonded indebtedness -- Gov't Code 53343.1(d)(3):		
Principal Payments	22.8	11,680,000.00
Interest Payments	11.6	5,961,767.16
Costs of collecting Special Tax -- Gov't Code 53343.1(d)(4):		
County Charges -- Gov't Code 53343.1(g)	0.0	-
Annual Administration -- Gov't Code 53343.1(g)	0.1	61,800.87
Delinquency Monitoring -- Gov't Code 53343.1(g)	0.0	-
Arbitrage Rebate -- Gov't Code 53343.1(g)	0.0	-
Bank Fees (Trustee/Paying Agent) -- Gov't Code 53343.1(g)	0.0	10,940.00
Other -- Gov't Code 53343.1(g)	0.1	32,097.02
Other Administrative and Overhead costs -- Gov't Code 53343.1(d)(5):		
Agency Staff -- Gov't Code 53343.1(g)	0.2	105,558.32
Internal Auditing -- Gov't Code 53343.1(g)	0.0	-
External Auditing -- Gov't Code 53343.1(g)	0.0	-
Total CFD Expenditures	99.9	51,236,326.92

ATTACHMENT B

**Chula Vista Elementary School District
Community Facilities Districts
Nos. 1-6, 10-15, and 17-21
Annual Report
Fiscal Year 2022-23**

This report has been prepared solely for the purpose of complying with the requirements pursuant to Government Code Section 53343.1(h), the special taxes collected, and expenditures reported.

A qualified representative of the Chula Vista Elementary School District has reviewed the contents of the report and certifies that to the best of his/her knowledge, the information contained herein is factually correct.

Oscar Esquivel
Deputy Superintendent

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Annual Report on Statutory Fees and Mitigation Payments for Fiscal Year 2022-23, and Five-Year Report for Fiscal Years 2018-19 Through 2022-23

 X Action

 Information

BACKGROUND INFORMATION:

Government Code Section 66006 addresses the collection of developers' fees and requirements for agencies collecting those fees. The Board of Education is required to review this information annually at a regularly scheduled meeting. Section 66006 requires an annual report that includes:

- Description of the types of reportable fees.
- Amounts of reportable fees.
- Beginning and ending balances.
- Amount of reportable fees collected.
- Identification of improvements.
- Identification of incomplete projects.
- Description of inter-fund transfers.
- Refunds of reportable fees.

In addition, Government Code Section 66001 required a five-year report that includes:

- Identification of the purpose for which reportable fees are to be used.
- Demonstration of the reasonable relationship between reportable fees and the purpose for which they are charged.
- Identification of all sources and amounts of funding anticipated to complete financing of school facilities the District has identified in the District's reports and the designation of the approximate date on which this funding is expected to be deposited in the appropriate account.

ADDITIONAL DATA:

The District's report for the year ending June 30, 2023, is attached. Detailed financial information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

Recommend approval.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT
STATUTORY FEES AND MITIGATION PAYMENTS REPORT
FISCAL YEAR 2022-23**

Government Code Section 66006 provides that the District shall make available to the public certain information relative to statutory school fees ("Statutory School Fees") collected pursuant to Education Code Section 17620, et seq., and Government Code Section 65995, et seq., and mitigation payments specified or required by conditions of legislative land-use approvals, mitigation measures of environmental impact reports and negative declarations, or mitigation agreements entered into with the District ("Mitigation Payments"), collectively "Reportable Fees." The described information and findings relate to Reportable Fees received, expended, or to be expended in connection with school facilities ("School Facilities") to accommodate additional students from new development if funded or partially funded with Reportable Fees. The Reportable Fees do not include letters of credit, bonds, or other instruments to secure payment of Reportable Fees at a future date. The Reportable Fees have not been levied, collected, or imposed for general revenue purposes.

The District proposes to review and adopt the following information and findings in accordance with Government Code Section 66006.

ANNUAL REPORT

In accordance with Government Code Section 66006(b)(1) and (2), the District provides the following information for fiscal year 2022-23.

A. DESCRIPTION OF THE TYPES OF REPORTABLE FEES IN THE ACCOUNTS OF THE DISTRICT

The Reportable Fees consist of Statutory School Fees and Mitigation Payments.

B. AMOUNT OF REPORTABLE FEES

The Statutory School Fee in effect for the fiscal year ending June 30, 2023, applicable to new residential development was \$2.11 per square foot of assessable space for all residential dwelling units constructed within the District and for which alternative mitigation did not exist. This residential fee amount (Level I) has been in effect since July 18, 2022. The residential Statutory School Fee amount was adopted by the Board of Education ("Board") of the District on May 18, 2022, by Resolution No. 2021-22.137.

The current Statutory School Fee in effect for the fiscal year ending June 30, 2023, applicable to new commercial/industrial development was \$.34 per square foot of covered and enclosed, nonresidential space constructed within the District. This nonresidential fee amount (Level I) has been in effect since

July 18, 2022. The nonresidential Statutory School Fee amount was adopted by the Board on May 18, 2022, as set forth in Resolution No. 2021-22.137.

The Statutory School Fee amounts only partially mitigate the impacts to the District caused by new residential development because the Statutory School Fees do not adequately fund the school facility needs resulting from additional development within the District. Additional amounts collected in the form of Mitigation Payments are essential to help fund interim and permanent School Facilities to accommodate students from additional development within the District.

C. BEGINNING AND ENDING BALANCES OF ACCOUNTS

Table 1

FUND BALANCE	REPORTABLE SCHOOL FEES
Beginning Balance, July 1, 2022	\$4,540,741
Ending Balance, June 30, 2023	\$2,403,342

D. AMOUNTS OF REPORTABLE FEES COLLECTED AND INTEREST EARNED

Table 2 below shows the amounts of Reportable Fees collected to accommodate students from additional development ("Project Students") and interest earned during fiscal year 2021-22

Table 2

SOURCE	AMOUNT COLLECTED
Residential Construction	\$190,629
Commercial Construction	\$ 86,772
Community Facilities District (CFD) No. 1 Fee Mitigation Payments	\$0
Interest Earned	\$101,828

E. IDENTIFICATION OF EACH IMPROVEMENT ON WHICH REPORTABLE FEES WERE EXPENDED AND THE AMOUNT OF THE EXPENDITURES ON EACH IMPROVEMENT, INCLUDING THE TOTAL PERCENTAGE OF THE COST OF EACH PROJECT OF THE DISTRICT THAT WAS FUNDED WITH REPORTABLE FEES

The statutory fees collected from new development projects are largely used to pay for the cost of expanding student capacity at many of the District's existing schools through the lease or purchase of relocatable classrooms. These additional facilities provide increased capacity that serves the student

population of the District. Some additional mitigation fee payments collected from development within CFD No. 1 are currently designated to pay for a portion of debt service due on outstanding bonds, which were issued to pay for the construction of new school facilities. Table 3 identifies the amount of Reportable Fees expended for School Facilities in fiscal year 2022-23 as well as the percentage of each improvement funded by Reportable Fees.

Table 3

Project	Amount Expended and Percentage of the Project Funded by Reportable Fees	
School Facilities Expansion/Relocatable Buildings	\$2,517,970	100%
Long-Range Planning /Administrative Expenditures	\$ 615	0%

F. IDENTIFICATION OF INCOMPLETE PROJECTS

The District will use some of the Reportable Fees in Fund 25-18 to pay for a portion of the relocatable classrooms at school sites as part of its expansion efforts.

G. DESCRIPTION OF INTERFUND TRANSFERS OR LOANS MADE FROM THE ACCOUNT

A portion of the Reportable Fees collected from CFD No. 1 accumulated from previous years may be used to pay a portion of debt service due on outstanding bonds and/or COPs issued, in part, to provide for new school facilities to serve the developments located within CFD No. 1.

H. THE AMOUNT OF REFUNDS MADE OR REVENUES ALLOCATED FOR OTHER PURPOSES IF THE ADMINISTRATIVE COSTS OF REFUNDING UNEXPENDED REVENUES EXCEED THE AMOUNT TO BE REFUNDED

No refunds of Reportable Fees were made in fiscal year 2022-23

FIVE-YEAR REPORT

In accordance with Government Code Section 66001, the District provides the following information with respect to that portion of the account or sub-account(s) remaining unexpended, whether committed or uncommitted.

A. IDENTIFICATION OF THE PURPOSE TO WHICH THE REPORTABLE FEES ARE TO BE PUT:

The purpose of the Reportable Fees imposed and collected on new residential, commercial and industrial development within the District is to fund additional School Facilities required to serve the students of the District generated by such new development. Specifically, the Reportable Fees will be used for the construction and/or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, as well as acquiring and installing additional relocatable classrooms.

B. DEMONSTRATION OF A REASONABLE RELATIONSHIP BETWEEN THE REPORTABLE FEES AND THE PURPOSES FOR WHICH THEY ARE CHARGED:

There is a roughly proportional, reasonable relationship between the new development upon which the Reportable Fees are charged and the need for additional School Facilities by reason of the fact that additional students will be generated by additional development within the District and the District does not have student capacity in the existing School Facilities to accommodate these new students. Furthermore, the Reportable Fees charged on new development will be used to fund School Facilities, which will serve the students generated from new development, and the Reportable Fees do not exceed the costs of providing such School Facilities for new students.

C. IDENTIFICATION OF ALL SOURCES AND AMOUNTS OF FUNDING ANTICIPATED TO COMPLETE FINANCING OF THE SCHOOL FACILITIES THE DISTRICT HAS IDENTIFIED IN THE DISTRICT'S REPORTS:

Table 4 identifies all funding received and allocated to capital facilities projects during the past five years. These revenues have been summarized to reflect funds received which may be classified as reportable fees as they are described in Government Code Section 66001 and 66006. These amounts include statutory fees (Level I and Level II fees) as well as monies received from redevelopment areas in accordance with the redevelopment agreement with the City of Chula Vista.

Revenues shown under “Other Funding Sources” include, but may not be limited to bond proceeds from the issuance of general obligation bonds, certificates of participation (COPs) proceeds, and interest from the qualified zone academy bonds (QZABs) guaranteed investment contract.

Table 4
Capital Facilities Revenue Received for Five-Year Period Ending June 30, 2023

Revenue Source	Reportable Fees (1)	Other Funding Sources (2)	Total
Balance on June 30, 2018	\$3,341,194	\$40,517,419	\$43,858,613
Fiscal Year 2018-19			
Reportable Fees:			
Statutory Developer Fees	387,812		387,812
Eastlake Mitigation Payments	3,145		3,145
	0		0
Other Funding Sources		2,249,864	2,249,864
Fiscal Year 2019-20			
Reportable Fees:			
Statutory Developer Fees	415,657		415,657
Eastlake Mitigation Payments	1,617		1,617
Other Reportable Fees	0		0
Other Funding Sources		64,408,688	64,408,688
Fiscal Year 2020-21			
Reportable Fees:			
Statutory Developer Fees	669,582		669,582
Eastlake Mitigation Payments	0		0
Other Reportable Fees	0		0
Other Funding Sources		73,141,594	73,141,594
Fiscal Year 2021-22			
Reportable Fees:			
Statutory Developer Fees	182,846		182,846
Eastlake Mitigation Payments	3,803		3,803
Other Reportable Fees	0		0
Other Funding Sources		1,114,997	1,114,997
Fiscal Year 2022-23			
Reportable Fees:			
Statutory Developer Fees	381,186		381,186
Eastlake Mitigation Payments	0		0
Other Reportable Fees	0		0
Other Funding Sources		6,624,002	6,624,002
Total Five-Year Facilities Revenue	\$2,045,648	\$147,539,145	\$149,584,793
Total Beg. Balance and Revenue	\$5,386,842	\$188,056,564	\$193,443,406

Notes:

(1) Includes Statutory Fees (Level I & II), Mitigation Payments from CFD No. 1 (Eastlake) and associated interest earnings.

(2) Other Funding Sources includes General Obligation Bonds, QZAB Guaranteed Investment Contract interest, and redevelopment funds.

Table 5 identifies all capital facilities expenditures during the corresponding five-year period and also shows remaining funds available to be used for incomplete projects. This table also classifies the capital facilities expenditures based on whether or not such expenditures were from “reportable fees” or “other funding sources”.

Table 5
Capital Facilities Expenditures for Five-Year Period Ending June 30, 2023

Facilities Item	Reportable Fees	Other Funding Sources	Total
Central Administration:			
Salaries - Planning/Const. Manager	\$7,257	0	\$7,257
Legal/Financial/Admin.	11,676	0	11,676
New Construction Projects:			
Relocatables	2,649,592	1,085,361	3,734,953
Workforce Housing	0	1,764	1,764
Modernization/Expansion Projects:			
Modernization Projects	0	62,742,255	62,742,255
Other Facilities Projects:			
ESSC Remodel	0	220,247	220,247
School Equipment	0	1,029,205	1,029,205
Expansion/Replacement	306,410	38,274,015	38,580,425
Fencing	0	56,520	56,520
Irrigation and Landscape	0	34,905	34,905
HVAC	0	15,910,238	15,910,238
Fire Alarm Replacement	0	958,851	958,851
Debt Service Service Payment	0	2,833,884	2,833,884
QZAB Payoff	0	5,000,000	5,000,000
Transfer Out	0	19,958,160	19,958,160
Eastlake Mitigation Payments	8,565	0	8,565
Total Five-Year Facilities Expenditure	\$2,983,500	\$148,105,405	\$151,088,905
Balance/Deficit as of June 30th	\$2,403,342	\$39,951,159	\$42,354,501

D. DESIGNATION OF THE APPROXIMATE DATE ON WHICH THE FUNDING REFERRED TO IN PARAGRAPH “C” ABOVE IS EXPECTED TO BE DEPOSITED IN THE APPROPRIATE ACCOUNT:

Table 6 below lists the approximate dates on which the funds are expected to be available for the School Facility projects identified by the District as of June 30, 2023 to be funded from reportable fees as well as from “other funding sources”. This does not represent a complete list of capital facilities projects to be funded during the next five years. Rather it demonstrates that all unexpended reportable fees are expected to be expended within the next 18 months. The remaining reportable fees will be used for construction, acquisition, and expansion of school facilities generated by new development upon which Reportable fees are charged.

Table 6
Incomplete and Possible Capital Facilities Projects and Expected Funding Dates

Facilities Item	Remaining Reportable Fee Funding Needs	Remaining “Other” Funding Needs	Expected Available Funding Date
Transportation Center Expansion		15,800,000	July 2023
HVAC Replacement		4,500,000	July 2023
Districtwide Solar Project		5,200,000	July 2023
TK Program Expansion	3,900,000		July 2023
Total	\$3,900,000	\$25,500,000	

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Adopt Resolution Authorizing Utilization of the Region 4 Education Service Center Request for Proposal No. 20-12 for Audio Visual Equipment, Accessories, and Services from October 19, 2023, Through March 31, 2024

 X **Action**

 Information

BACKGROUND INFORMATION:

The Board of Directors of Region 4 Education Service Center (Region 4 ESC) solicited proposals on behalf of OMNIA Partners, Public Sector (OMNIA), as the Principal Procurement Agency. OMNIA is one of the nation's largest cooperative purchasing organizations dedicated to public sector procurement. OMNIA contracts allow registered OMNIA partners to save the costs associated with the competitive bid process, while gaining the benefits of nationally leveraged pricing, at no cost to the District.

The Region 4 ESC solicited proposals for Audio Visual Equipment, Accessories, and Services. The evaluation committee reviewed the seven (7) proposals received based on the evaluation criteria identified in the solicitation documents and recommended contract awards to three (3) vendors; Audio Visual Innovations, Inc., (AVI), B&H Foto and Electronics, DBA B&H (B&H), and Best Buy Stores, L.P. (Best Buy). The contracts were awarded by Region 4 ESC Board of Directors on February 23, 2021, as follows: AVI, Contract No. R201201; B&H Contract #R201202; and Best Buy Contract #R201203. The contract has an initial three (3) year term of April 1, 2021, through March 31, 2024, with the option of two additional one-year renewals if mutually agreed upon.

The bid included a public agency clause that allows any public agency registered with OMNIA to utilize the bid solicited by Region 4 ESC. Utilization of this bid is allowable under public contract code 20118.

AVI, B&H, and Best Buy will provide audio visual equipment, accessories, and services to the District at the same discounts as awarded to the Region 4 ESC for the term of the contract.

ADDITIONAL DATA:

Copies of bid and contract documents are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Purchases will be made on an as needed basis and funded as identified at the time of purchase.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution Authorizing Utilization of the)
Region 4 Education Service Center)
Request for Proposal No. 20-12 for)
Audio Visual Equipment, Accessories,)
and Services from October 19, 2023,)
Through March 31, 2024)

On motion of Member _____, seconded by Member
_____, the following resolution is adopted:

WHEREAS, the Region 4 Education Service Center (Region 4 ESC) solicited proposals for a national cooperative contract for Audio Visual equipment, accessories and services, in conjunction with OMNIA Partners, Public Sector, that provides the Chula Vista Elementary School District (District), as an educational member, the ability to utilize this contract under Public Contract Code 20118; and,

WHEREAS, the Region 4 ESC evaluated the proposals submitted and determined the proposals received from Audio Visual Innovations, Inc. (AVI), B&H Foto and Electronics, DBA B&H (B&H); and Best Buy Stores, L.P. (Best Buy), meet the criteria established and the ability to provide the products and services requested, while offering competitive pricing, and;

WHEREAS, AVI, B&H, and Best Buy, agree to provide audio visual equipment, accessories and services under the terms and conditions set forth in Request for Proposal No. 20-12, and;

WHEREAS, this Board has determined it to be in the best interest of the District to contract with AVI, B&H, and Best Buy to meet the needs of the District.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DECLARED that participation by the Chula Vista Elementary School District in the Region 4 ESC Request for Proposal No. 20-12 for audio visual equipment, accessories and services, with AVI Contract #R201201; B&H Contract #R201202; and Best Buy Contract #R201203 is hereby authorized and approved and is subject to all terms, conditions, and documents as specified in the Region 4 ESC RFP #20-12.

BE IT FURTHER RESOLVED, ORDERED, AND DECLARED that Eduardo Reyes, Superintendent and Secretary to the Board of Education of the Chula Vista Elementary School District, or his designee is hereby authorized to execute the necessary contract documents with Audio Visual Innovations, B&H and Best Buy.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 18th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Eduardo Reyes, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

And CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Renewal of Customer Agreement with Frontline Technologies Group, LLC, dba Frontline Education in the Amount of \$16,608.70 for Absence Management and Substitute Placement Services for the Period of November 1, 2023, Through October 31, 2024

 X Action

 Information

BACKGROUND INFORMATION:

The Absence Management reporting system provided by Frontline Technologies Group LLC (Frontline) has been fully integrated in the Chula Vista Elementary School District (District) since 1997. Through this product the District has been able to manage employee absences and ensure that qualified substitutes are present when necessary.

Staff are able to report absences over the phone or online at any time. The Absence Management reporting system allows District departments and school sites to know who is absent and who will be subbing for the absent staff. This system also gives instant access to reports that can be tailored to the department and/or school site needs. Board approval is requested to renew the services provided by Frontline.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

The 2022-23 cost for Frontline services was 15,449.95. The cost for 2023-24 will be \$16,608.70 and paid from the General fund.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Ratify Award of Bid No. 22/23-10, Produce Products, to Gold Star Foods; Food 4 Thought; and Sunrise Produce for the Period of August 14, 2023, Through August 13, 2024

 X Action

 Information

BACKGROUND INFORMATION:

Bid No. 22/23-10 for Produce Products was advertised and distributed to twelve (12) vendors. Bid packages were received from five (5) vendors and read aloud at the bid opening held on July 14, 2023. At its meeting of September 13, 2023, the Board of Education awarded the contracts to Gold Star Foods, Food 4 Thought, and Sunrise Produce.

The bid award was separated into two (2) sections. Section A, Fresh and Prepared Fruits and Vegetables, was awarded to the single vendor who provided the lowest overall cost for all items within the section. Section B, California Grown Produce, was awarded by line item to Food for Thought and Sunrise Produce. After the September 13, 2023, award, a clerical error was discovered on Line 7 of Appendix A, which listed Sunrise Produce as the awarded vendor and a cost of .20 cents per apple. The actual award for Line 7 should have read as Food for Thought at .252 cents per apple. Please see Appendix A which has been revised to identify the award correctly.

The Child Nutrition Services Department will place orders, to fulfill fruit and vegetable product needs as part of the District's National School Lunch and School Breakfast Programs. In addition, the District's produce needs may be subsidized by the United States Department of Agriculture (USDA) Fresh Fruit and Vegetables Ordering Receipt system (FFAVORS) program, that is run by each State.

ADDITIONAL DATA:

Copies of the contract documents are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

All produce products delivered under this contract will be paid from Child Nutrition Services funds.

STAFF RECOMMENDATION:

Recommend ratification.

APPENDIX A - REVISED
AWARDED VENDORS
BID 22/23-10 PRODUCE PRODUCTS

SECTION A – Awarded as one lot

Vendor	Total Bid
Gold Star Foods	\$289,518.00
Sunrise Produce	\$293,940.00
Coast Citrus	\$309,920.00
Diamond Jacks	\$417,192.00

SECTION B – Awarded by line item

Line #	Description	Vendor	Qty	Unit Cost	Ext. Cost
7	Apples, Fuji, Gala, Granny Smith	Food 4 Thought	342,000	0.252	86,184.00
8	Watermelon	Food 4 Thought	3,500	3.99	13,965.00
9	Oranges, Navel	Food 4 Thought	1,000	18.78	18,780.00
10	Green Grapes, seedless Lunch Bunch	Sunrise Produce	1,000	26.75	26,750.00

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Renewal for Bid No. 22/23-1, Transportation Service, with HopSkipDrive, Inc., for the Period of November 14, 2023, through November 13, 2024

 X **Action**

 Information

BACKGROUND INFORMATION:

Bid No. 22/23-1, Transportation Service, was advertised and distributed to seven (7) vendors. Only one bid was received at the bid opening held on October 3, 2022. The bid was issued to supply supplemental transportation services for the Chula Vista Elementary School District (District) for students requiring home-to-school transportation when services cannot be accommodated by the District Transportation Department.

HopSkipDrive, Inc. (HSD) was the only bid received and is one of the District's current providers. They have provided safe, consistent transportation services to our students.

The contract renewal term will end on November 13, 2024, and may be extended for three (3) additional one-year terms not to exceed a total of five (5) years, if mutually agreed upon.

ADDITIONAL DATA:

Copies of the contract documents, bid documents and contractor rankings are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Services will be requested when the District's Transportation Department cannot accommodate the need. HSD has agreed to hold their pricing as originally bid. HSD has imposed a 2% increase due an increase in labor costs. Funding for services provided will be paid through the District Transportation Department.

Due to the uncertainty of gasoline prices, the vendor has requested a fuel surcharge when gasoline prices exceed \$5.00 per gallon. The per mile rate will be increased by calculating 30% of the price of gasoline that exceeds \$5.00 and adding it to the base mileage rate.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Adopt Resolution Authorizing Utilization of the Santa Cruz City Schools Bid No. 2020 Facility Supply Services Contract, for the Purchase of Portable Classroom Buildings with American Modular Systems, Inc., for the Period of October 19, 2023, Through June 11, 2024

 X **Action**

 Information

BACKGROUND INFORMATION:

On June 10, 2020, the Santa Cruz City Schools (SCCS) Board of Education awarded Bid No. 2020 Facility Supply Services Contract to American Modular Systems for an initial three (3) year term. At its meeting of May 10, 2023, SCCS renewed the contract for an additional one-year term. The Chula Vista Elementary School District (District) is eligible to use the bid per Public Contract Code Section 20118.

The current portable classroom contract utilized by the District, through Reef-Sunset School District, will expire on October 31, 2023. The District requests to contract with American Modular Systems, Inc., utilizing the Santa Cruz City Schools bid to have a contract in place to expedite the planning for future projects. Any projects requiring portable classroom purchases will be submitted for final Board approval before purchase is made.

The bid includes various floors plans and options that can be added to the buildings to accommodate the needs required for each. The various options were included as line items on the original bid. American Modular Systems, Inc., imposed a compounding 17.44% increase under the current renewal due to increasing costs of supplies and raw materials. The renewal contract term will end on June 10, 2024, and has one final, one-year term allowed, if mutually agreed upon.

ADDITIONAL DATA:

A copy of the bid documents are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Purchases will be made as needed to cover the needs of the District. The base price for a 24' x 40' portable building is \$95,310. Additional floor plans and components covered under the bid may be utilized as the needs of the District require. Funding will be determined based on the project.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution Authorizing Utilization of the)
Santa Cruz City Schools Bid No. 2020)
Facility Supply Services Contract,)
for the Purchase of Portable Classroom)
Buildings with American Modular)
Systems, Inc., for the Period of)
October 19, 2023, Through June 10, 2024)

On motion of Member _____, seconded by Member
_____, the following resolution is adopted:

WHEREAS, The Santa Cruz City Schools competitively bid portable buildings of various configurations, which included a Piggyback Clause which allows the Chula Vista Elementary School District ("District"), to utilize this contract under Public Contract Code 20118; and

WHEREAS, the awarded contract allows the District to purchase in part, portable classroom buildings, and the various line-item options, based on the same pricing and terms as offered under the Santa Cruz City Schools contract, through American Modular Systems, Inc.; and

WHEREAS, this Board has determined it to be in the best interest of the District to purchase portable buildings through this contract in order to support the needs of the Chula Vista Elementary School District; and

WHEREAS, the Santa Cruz City Schools has waived its right to require other districts to draw warrants for such purchases or contracts in favor of the Santa Cruz City Schools.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DECLARED that use of the Facility Supply Services Contract by the Chula Vista Elementary School District, provided by American Modular Systems, Inc., under Santa Cruz City Schools Bid No. 2020 Facility Supply Services Contract is hereby authorized and approved and is subject to all terms and conditions as specified in the contract documents.

BE IT FURTHER RESOLVED, ORDERED, AND DECLARED that Eduardo Reyes, Superintendent and Secretary to the Board of Education of the Chula Vista Elementary School District, or his designee, is hereby authorized to execute the necessary contract documents with American Modular Systems, Inc.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 18th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Eduardo Reyes, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at its organizational meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Agreement to Purchase Two (2) 24' x 40' Portable Classroom Buildings from American Modular Systems, Inc., in the Amount of \$239,690 Pursuant to Reef-Sunset Bid 2018 Facility Supply Service Contract

 X Action

 Information

BACKGROUND INFORMATION:

The Chula Vista Elementary School District Board of Education approved utilization of the Reef-Sunset Unified School District Bid 2018 Facility Supply Service Contract at its meeting held on December 14, 2022.

In order to support the District's Extended Learning Opportunities Program (ELOP), the District will require additional ELOP office spaces at the District Education Services and Support Center (ESSC) location. To acquire the needed space, the District will need to purchase two (2) 24' x 40' portable classroom buildings to support the ELOP.

The placement of portable buildings is based on the immediate need to provide office space to support ELOP staff and will be placed in the East parking lot at the ESSC.

ADDITIONAL DATA:

Additional information is available for review in the office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

The total cost of the two (2) 24' x 40' portable buildings is \$239,690 and will be purchased using ELOP funds.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Ratification of Contract with PowerSchool Group, LLC, for the Online Registration Platform to Include Enrollment Add-on Form in the Amount of \$116,392.27 for the Period of October 16, 2023, Through October 15, 2024

 X Action

 Information

BACKGROUND INFORMATION:

The District has successfully used PowerSchool Group, LLC, (PowerSchool) (formerly known as SunGard K12 Public Sector) since 1988 primarily to maintain student data for *eSchoolPLUS*, the District's student information system (SIS).

On October 14, 2020, the Board approved a three-year contract with PowerSchool for the purpose of transitioning to the new PowerSchool online enrollment application, which allows integration with the District's current *eSchoolPlus* student information system, simplifying online enrollment for families and District staff.

On November 9, 2022, the District approved an amendment to the contract through October 15, 2023, for purposes of improving the online enrollment process, and the zone transfer process in particular.

The District is now seeking to approve the renewal of the PowerSchool contract, including the separate Enrollment Add-on Form to the original contract, for another year.

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

The cost for the PowerSchool online enrollment application is \$79,792.27. The cost for the PowerSchool online Enrollment Add-on Form is \$36,600. The total cost of \$116,392.27 will be paid from the General Fund.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Adopt Resolution Authorizing Utilization of Val Verde Unified School District Bid No. 21/22-001 for Just N Time Classroom and Office Supplies, with Southwest School & Office Supply for the Period of October 19, 2023, Through June 30, 2024

 X Action

 Information

BACKGROUND INFORMATION:

On June 15, 2021, the Val Verde Unified School District (VVUSD) awarded its Bid No. 21/22-001 Just N Time Classroom and Office Supplies. After conducting the competitive bid process, VVUSD awarded the bid to Southwest School & Office Supply (Southwest) as Southwest met all the requirements of the bid and provided competitive pricing. Southwest is a proven supplier of quality, cost-effective goods. The Chula Vista Elementary School District (District) is eligible to use the VVUSD bid per Public Contract Code Section 20118.

Southwest has the ability to provide online ordering for multiple users and sites. There are no minimum or maximum amounts required for delivery. In addition to the line items identified on the bid, Southwest is providing a 40% discount off manufacturers list for additional items found in their catalog.

ADDITIONAL DATA:

Copies of bid and contract documents are available for review in the Office of the Deputy Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

Funding for purchases made utilizing this bid will be determined by the ordering school site or department at the time of purchase.

STAFF RECOMMENDATION:

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. _____

Resolution Authorizing Utilization of)
Val Verde Unified School District Bid)
No. 21/22-001 for Just N Time)
Classroom and Office Supplies, with)
Southwest School & Office Supply)
for the Period of October 19, 2023,)
Through June 30, 2024)

On motion of Member _____, seconded by Member
_____, the following resolution is adopted:

WHEREAS, the Val Verde Unified School District (VVUSD) has conducted a cooperative bid process that allows the Chula Vista Elementary School District (District), to purchase office and classroom supplies at the same prices and upon the same terms and conditions as WVUSD pursuant to Section 20118 of the Public Contract Code of California; and

WHEREAS, Southwest School & Office Supply, agrees to provide office and classroom supplies to the District under the terms and conditions of the VVUSD bid; and

WHEREAS, this Board has determined it to be in the best interest of the District to utilize this bid to meet the needs of the District.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DECLARED that participation by the District in the VVUSD Bid No. 21/22-001 for Just N Time Classroom and Office Supplies is hereby authorized and approved and is subject to all terms, conditions, and documents as specified in the VVUSD bid documents.

BE IT FURTHER RESOLVED, ORDERED, AND DECLARED that Eduardo Reyes, Superintendent and Secretary to the Board of Education of the Chula Vista Elementary School District, or his designee, is hereby authorized to execute the necessary contract documents with Southwest School & Office Supply.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 18th day of October 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

I, Eduardo Reyes, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Overnight Study Trip for Fourth Grade Students from Corky McMillin Elementary School to the Star of India on January 17-18 and January 24-25, 2024

 X Action

 Information

BACKGROUND INFORMATION:

Fourth grade students from Corky McMillin Elementary School request Board approval for an overnight study trip to the Star of India on January 17-18 and January 24-25, 2024. This trip matches the history/social studies curriculum for fourth grade. The program provides information and hands-on experience related to how and why people traveled to California and why they traveled, and immigration and migration to California between 1850-1900, including the diverse composition of those who came and the countries they came from.

Approximately sixty students will participate in the trip on the first dates, and 30 will participate on the second date. Two teachers and up to ten parents will accompany each group of students.

ADDITIONAL DATA:

None.

FISCAL IMPACT/FUNDING SOURCE:

The cost of the study trip is \$100 per student. This includes lodging, meals, and admission to the Star of India. Students have had opportunities to earn monies for their trip by participating in fundraisers. No child will be excluded on the basis of ability to pay.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve Overnight Study Trip for Sixth Grade Students from Silver Wing Elementary School to Sacramento/San Francisco on March 24-25, 2024

 X Action

 Information

BACKGROUND INFORMATION:

Sixth grade students from Silver Wing Elementary School request Board approval for an overnight study trip through World Strides to Sacramento and San Francisco, California on March 24-25, 2024. This trip matches the history/social studies curriculum for fourth-sixth grade. The program provides information and hands-on experience related to the physical and human geographic features that define places and regions in California.

Approximately 9 students will participate in the trip. One teacher will accompany the students. More students and parent chaperones may be added later.

ADDITIONAL DATA:

None.

FISCAL IMPACT/FUNDING SOURCE:

The cost of the study trip is \$755 per student. This includes lodging, meals, and any admissions. Students have had opportunities to earn monies for their trip by participating in fundraisers. No child will be excluded on the basis of ability to pay.

STAFF RECOMMENDATION:

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Ratify Purchase Orders, Warrants, and Checks Written/Issued Through
September 30, 2023

 X Action

 Information

BACKGROUND INFORMATION AND FISCAL IMPACT:

The following purchase orders, warrants, and checks were written/issued through
September 30, 2023

- | | |
|---|------------------|
| i. Purchase Orders: 24002218-24003074 | \$6,267,097.89 |
| ii. Alternative Revolving Cash: | \$.00 |
| iii. Commercial Warrants: 350885-351632 | \$ 12,055,763.64 |
| Cafeteria Warrants: 10389-10448 | \$ 1,686,361.68 |
| iv. Payroll Warrants: Series 10 | \$22,471,723.63 |
| 13433215-13434489; N-3978641-4063356 | |
| v. Revolving Cash Checks: 12366-12494 | \$ 28,334.51 |

ADDITIONAL DATA:

Additional information is available for review in the Office of the Deputy
Superintendent in accordance with Board Policies 3310, 3314, and 3314.2.

STAFF RECOMMENDATION:

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Approve and/or Ratify Inservice/Travel Requests

 X Action

 Information

BACKGROUND INFORMATION:

See attached listing.

ADDITIONAL DATA:

Inservice/travel requests are available for review in the Office of the Deputy Superintendent in accordance with Board Policies 4133, 4233, and 4333.

FISCAL IMPACT/FUNDING SOURCE:

See attached listing.

STAFF RECOMMENDATION:

Recommend approval and/or ratification.

INSERVICE/TRAVEL REQUESTS

Individual	Event	Destination	From	To	Est'd Cost	Funding	CVESD Location
Bishop, K	2023 CSBA Annual Ed Conference and Delegate Assembly	San Francisco	11/27/23	12/02/23	\$ 3,880.00	District Admin	Board/Supt
Fernandez, C	2023 CSBA Annual Ed Conference	San Francisco	11/28/23	12/02/23	\$ 1,842.00	District Admin	Board/Supt
Tamayo, F	SBCS Mi Escuelita - Change Their Lives	Del Mar	09/28/23	09/28/23	\$ 362.00	District Admin	Board/Supt
Tamayo, F	2023 CSBA Annual Ed Conference	San Francisco	11/28/23	12/02/23	\$ 1,842.00	District Admin	Board/Supt
Ugarte, L	2023 CSBA Annual Ed Conference	San Francisco	11/28/23	12/02/23	\$ 1,842.00	District Admin	Board/Supt
Esquivel, O	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 556.00	District Admin	Business Services
Davidson, D	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 114.00	Title I	Clear View
Primacio, M	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 114.00	Title I	Clear View
Mages, C	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 325.00	District Admin	CVCEO
Reed, A	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 325.00	District Admin	CVCEO
Martinez, R	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 325.00	District Admin	CVE
Armatis, K	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 519.00	District Admin	Finance
Faustino, B	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 519.00	District Admin	Finance
Sullivan, T	SSC Governor's 2023-24 Budget Workshop	Anaheim	01/19/24	01/19/24	\$ 519.00	District Admin	Finance
Rosendale, A	Branch Ed	Atlanta	09/25/23	09/28/23	\$ -	Branch Ed	Human Resources
Bystrak, C	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Calleros, O	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Falconer, A	California PBIS Conference	Sacramento	10/11/23	10/13/23	\$ 1,463.00	Instructional Admin	Instructional Services
Garza, P	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Hernandez, E	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Kohler, J	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Lopez, M	CMP Equity Leadership Dissemination Workshop	Los Angeles	09/27/23	09/28/23	\$ 194.00	Instructional Admin	Instructional Services
Ochoa, G	2024 Boost Conference	Palm Springs	04/30/24	05/03/24	\$ 1,664.00	ELOP	Instructional Services
Williamson, M	California Science Education Conference	Palm Springs	10/19/23	10/22/23	\$ 1,633.00	Instructional Admin	Instructional Services
Bruder, M	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	ISS
Campos, A	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	ISS
Hughes, M	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	ISS
Keehmer, M	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	ISS
Morales, J	Edspaces 2023	Charlotte	11/04/23	11/09/23	\$ 2,919.00	ELOP	ISS
Morales Chaidez, A	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 117.00	VAPA Student Org	Liberty
Torres, K	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 117.00	VAPA Student Org	Liberty
Watson, B	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	Loma Verde
Canales, M	ALAS 20th Summit Anniversary	San Antonio	10/03/23	10/06/23	\$ 2,955.00	District Admin	Los Altos
Various	La Cosecha 2023 (Cost is per person for 4 people)	Albuquerque	11/08/23	11/11/23	\$ 1,792.00	Title II	Mater Dei Juan Diego
Sturges, S	ALAS 20th Summit Anniversary	San Antonio	10/03/23	10/06/23	\$ 2,218.00	District Admin	McMillin
Brantuas, B	Nueva Innovative Learning Conference	San Francisco	10/25/23	10/27/23	\$ 1,909.00	ELOP	Muraoka

*Estimated cost per participant. Funds may vary by site for this event

NOTE: Actual Inservice/Travel costs may differ from estimated costs as shown above.

INSERVICE/TRAVEL REQUESTS

Individual	Event	Destination	From	To	Est'd Cost	Funding	CVESD Location
Beltran, D	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 300.00	Site Control	Rice
Corral, B	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 300.00	Site Control	Rice
Ayon, T	Critical Issues Conference	Palm Springs	10/11/23	10/13/23	\$ 860.00	Selpa Reimbursement	SPED
Ayon, T	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Bertolero, H	Critical Issues Conference	Palm Springs	10/11/23	10/13/23	\$ 860.00	Selpa Reimbursement	SPED
Bertolero, H	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Campos, S	Critical Issues Conference	Palm Springs	10/11/23	10/13/23	\$ 991.00	Selpa Reimbursement	SPED
Friend, B	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Garcia, P	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Moreno, M	Critical Issues Conference	Palm Springs	10/11/23	10/13/23	\$ 860.00	Selpa Reimbursement	SPED
Moreno, M	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Pacleb, L	Special Education Training	Carlsbad	10/20/23	10/20/23	\$ 271.00	Pupil Services	SPED
Pastor, L	Critical Issues Conference	Palm Springs	10/11/23	10/13/23	\$ 860.00	Selpa Reimbursement	SPED
Montgomery, L	Arts Empower Mega Conference	San Diego	10/10/23	10/10/23	\$ 165.00	Site Control	Sunnyside
Cabinet & Principals	Southest Administrators Association Superintendents' Breakfast	Chula Vista	10/17/23	10/17/23	\$ 30.00	District Admin	Superintendent
Reyes, E	SBCS Mi Escuelita - Change Their Lives	Del Mar	09/28/23	09/28/23	\$ 556.00	District Admin	Superintendent
Reyes, E	2023 CSBA Annual Ed Conference	San Francisco	11/28/23	12/02/23	\$ 1,842.00	District Admin	Superintendent

*Estimated cost per participant. Funds may vary by site for this event

NOTE: Actual Inservice/Travel costs may differ from estimated costs as shown above.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

- (1) Conduct Public Hearing on a General Waiver Request to Provide a Reduced-Day Extended School Year Program from June 10 Through July 1, 2024; and
- (2) Authorize Application for the General Waiver Request

 X **Action**

 Information

BACKGROUND INFORMATION:

California Code of Regulations, Title 5, Section 3043(d) requires students in Kindergarten through Grade 6 to be provided a minimum of 80 instructional hours of Extended School Year (ESY), and students in preschool to be provided a minimum of 60 instructional hours of ESY. Traditionally, ESY programs are 20 days long. Since the District operates a year-round school year calendar, the number of weeks available to offer an ESY program is limited.

The District wishes to apply for a General Waiver Request to the California Department of Education to modify the mandated 20-day ESY for students enrolled in Special Education. The waiver will allow the District to provide a 15-day program from June 10 through July 1, 2024. This program provides the required number of instructional hours over fewer instructional days. By offering a reduced program, the District expects higher student participation.

ADDITIONAL DATA:

Additional Information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

Funding will be provided from Special Education resources. Reduced expenses are anticipated due to decreased operational and transportation costs.

RECOMMENDATION:

Recommend conduct public hearing and authorization.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and
Support

ITEM TITLE:

Conduct Public Hearing Regarding Proposed Attendance Boundaries for Sonia Sotomayor Elementary School

 Action

 X **Information**

BACKGROUND INFORMATION:

On December 14, 2016, the Board of Education approved the Saburo Muraoka Elementary School (Muraoka) attendance boundaries located at 1644 Santa Alexia in Otay Ranch Village 2. Muraoka was planned as the first of two elementary schools located in the Otay Ranch Village 2 community. Construction on the second school in Otay Ranch Village 2 began in November 2022 and is expected to open in July 2024. On August 9, 2023, The Board of Education approved the name of the second Otay Ranch Village 2 school as Sonia Sotomayor Elementary School (Sotomayor).

Construction continues at Sotomayor Elementary School located at 1789 Santa Carolina Avenue in Otay Ranch Village 2 and Sotomayor is on schedule to open in July 2024. With the addition of Sotomayor Elementary School in Otay Ranch Village 2, the District is ready to propose attendance boundaries for Sotomayor Elementary. By creating Sotomayor Elementary boundaries, the Muraoka Elementary School boundaries will be adjusted. District staff has assessed future housing developments and the resulting student enrollment. The proposed Sotomayor attendance area encompasses the community within clearly defined boundaries, including Olympic Parkway on the north and west, Muraoka Elementary School boundaries on the east, and the northern boundaries of Jeffers Elementary as the most southern point, as depicted on the map of the proposed attendance area.

ADDITIONAL DATA:

District staff will invite parents to a community forum on November 1, 2023, to exchange dialogue and address questions regarding the proposed attendance boundaries. A map of the proposed boundaries is attached as Exhibit "A".

FISCAL IMPACT/FUNDING SOURCE:

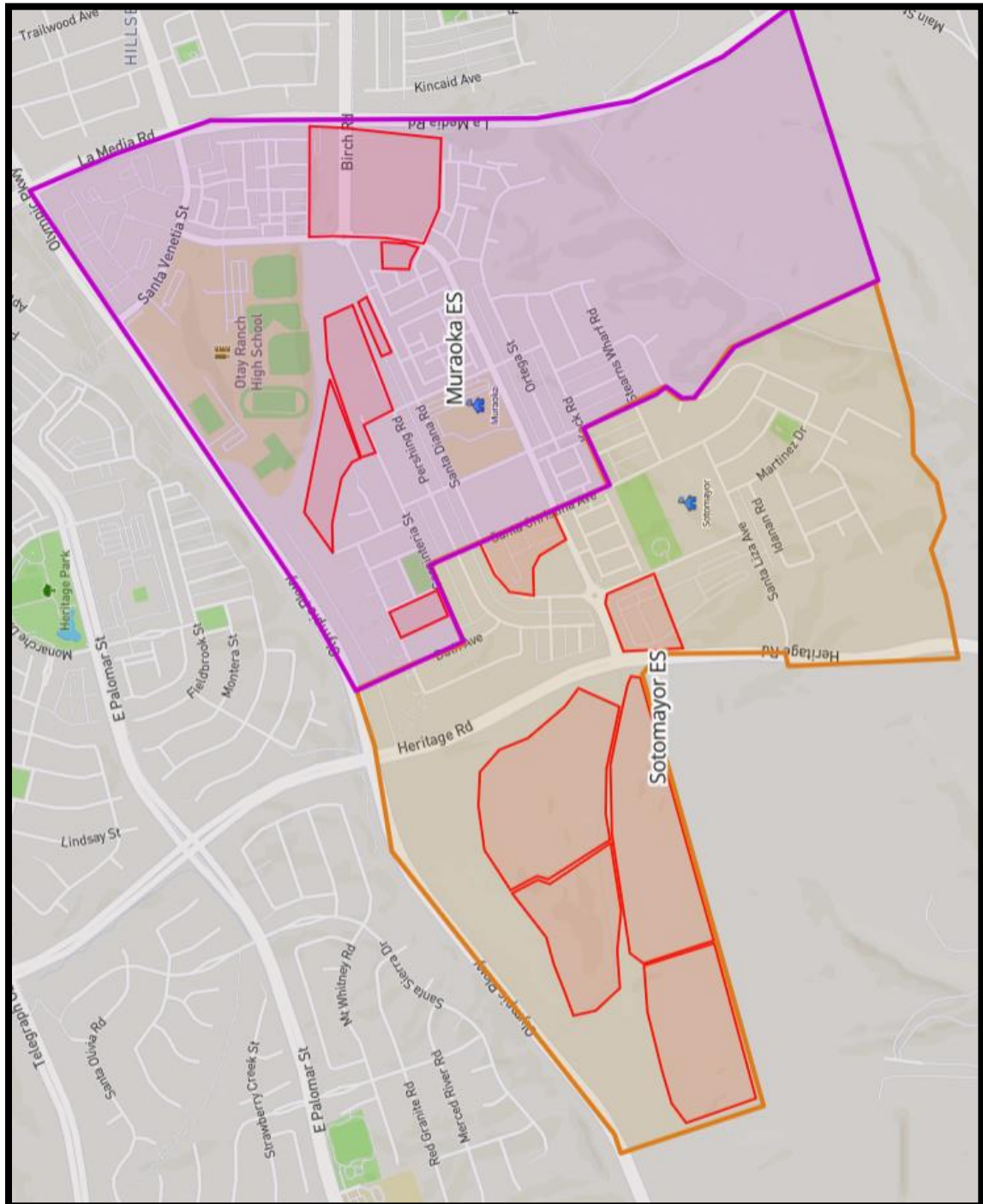
None.

STAFF RECOMMENDATION:

Recommend conduct public hearing.

EXHIBIT "A"

**PROPOSED ATTENDANCE BOUNDARIES FOR
SONIA SOTOMAYOR ELEMENTARY SCHOOL**



CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6159, Individualized Education Program

 X Action

 Information

BACKGROUND INFORMATION:

Administrative Regulation (AR) 6159 is being revised to align with current State legislation relative to Individualized Education Program.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM

~~Timelines for the Individualized Education Program and the Provision of Services~~

At the beginning of each school year, the District shall have an Individualized Education Program (IEP) in effect for each student with a disability within District jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344.1, 56345.1.2, 56341.5; 20 USC 1414(d)(1); ~~3434~~ CFR 300.3234)

~~For stated timelines herein, note that in the case of student school vacations and breaks in excess of five days, timelines shall pause for the break and recommence on the date that the student's school days reconvene. The District shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The District shall also ensure that as soon as possible following development of the IEP, special education and related services are made available to the student in accordance with his/her IEP. (Education Code 56344; 34 CFR 300.323)~~

~~An IEP required as a result of an assessment shall be developed within 60 calendar days, not counting days when the timeline pauses for breaks/vacations in excess of five school days from the date of receipt of the parent's/guardian's written consent for assessment unless the parent/guardian agrees in writing to an extension. (Education Code 56344)~~

~~However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for a student for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day calendar timeline shall recommence on the date that student's school days reconvene. (Education Code 56344)~~

~~When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 calendar days of receiving the parent's/guardian's written request not counting days when the timeline pauses for breaks/vacations in excess of five (5) school days from the date of receipt of the parent/guardian's~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~written consent for assessment, unless the parent/guardian agrees in writing to an extension. (Education Code 56043) If a parent/guardian makes an oral request, the District shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 563443, 56343.5)~~

~~The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)~~

~~The District shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The District shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and support that must be provided to the student in accordance with the IEP. (34 CFR 300.323)~~

~~A general education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the Superintendent/designee. The Superintendent/designee shall consider the request within 20 calendar days of receiving it. In the case of student school vacations and breaks in excess of five days, the timeline shall pause for the break and recommence on the date that student school days reconvene.~~

~~If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent/designee shall convene an IEP meeting, which shall be held within 30 calendar days of the review, unless the student's parent/guardian consents to an extension of time. In the case of student school vacations and breaks in excess of five days, the timeline shall pause for the break and recommence on the date that student school days reconvene.~~

Members of the IEP Team

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The District shall ensure that the IEP team for any student with a disability includes the following members: (20 USC 1414(d)(1); 34 CFR 300.344; Education Code 56341, 56341.2, 56341.5)

1. One or both of the student's parents/guardians, and/or representative selected by the parent/guardian.

To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)

- ~~2. At least one general education teacher~~ If the student is, or may be, participating in the general education program, at least one of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers. ~~If more than one general education teacher is providing instructional services to the student, the District may designate one such teacher to represent the others. As a member of the IEP team,~~

- ~~2.~~ The general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 C.F.R. 300.320; (34 CFR 300.324; 20 USC 1414(d)(3)(e); Education Code 56341).

- ~~a. Appropriate positive behavioral interventions, supports, and other strategies for the student.~~

- ~~b. Supplementary aids and services, program modifications, or supports for school personnel who will be provided for the student consistent with 34 CFR 300.320.~~

3. At least one of the student's special education teacher, or where appropriate, ~~at least one special education providers for the student.~~

4. A representative of the District who is:

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities.
 - b. Knowledgeable of the general education curriculum, ~~and standards.~~
 - c. Knowledgeable about the availability of District and/or Special Education Local Plan Area (SELPA) resources.
5. An individual who can interpret the instructional implication of evaluation assessment results who may already be a member of the team as described above.

~~A member of the evaluation team shall be present or at least one of the persons present shall be knowledgeable about the evaluation (assessment) procedures, familiar with the results of the student's previous assessment, if any, and qualified to interpret the results of the assessment which are significant to development of the student's IEP. (Education Code 56341)~~

6. At the direction of the parent/guardian or the Superintendent or designee, District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

~~6-~~ The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with the disability.
In the development, review, or revision of his/her IEP, the student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as school psychologist, speech language pathologist, or remedial reading teacher.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

In accordance with 34 C.F.R. 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)

2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals as stated in Education Code 56345(a)(8), the following individuals shall be invited to attend: (34 CFR 300.321)

a. The student, regardless of the student's age. If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

b. To the extent appropriate, and with the consent of the parent/guardian or adult student, a representative of any other agency that is likely to be responsible for providing or paying for the transition services.

3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

A Member of the IEP team shall not be required to attend an IEP meeting, in whole or in part, if the parent/guardian and the District agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the District consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 U.S.C. 1414; 34 C.F.R. 300.321)

In addition, any of the following may participate, as appropriate:

- ~~1. The Director of Special Education/designee, Coordinator of Special Education and Pupil Service, Program Specialist, School Psychologist, School Nurse, School Social Worker, Counselor, or other student services worker who has conducted an assessment of the student when the assessment is significant to the development of the IEP.~~
- ~~2. Any other person whose competence is needed because of the nature and extent of the student's disability.~~
- ~~3. A public agency representative fluent in the student's primary language.~~

Transition Services

For transition service consideration:

- ~~1. The student with the disability, of any age, may attend the meeting if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist him/her in reaching those goals pursuant to 34 CFR 300.320(b). If the student does not attend the IEP team meeting, the District shall take other steps to ensure that the student's preferences and interests are considered.~~
- ~~2. To the extent appropriate, and with the consent of the parent/guardian, a representative for the student of any other agency that is likely to be responsible for providing or paying for transition services may attend.~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~If a representative does not attend the meeting, the District shall take other steps to obtain participation of the agency in the planning of any transition services.~~

~~For students suspected of having a specific disability in accordance with 34 CFR 300.308 and 34 CFR 300.310, at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a School Psychologist, Speech Language Pathologist, or remedial Reading Teacher.~~

~~In accordance with 34 CFR 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulties in his/her learning environment, including in the regular classroom setting. If a child is younger than five years or not enrolled in school, a team member shall observe the child in an appropriate environment for a child of that age.~~

- ~~3. For students who have been placed in a group home by the juvenile court, a representative of the group home may attend.~~

~~If a student with a disability is identified as potentially requiring Educationally Related Mental Health Services (ERMHS), the District shall request the participation of a representative from the ERMHS agency in the IEP team meeting prior to referring the student to ERMHS for services. Refer to the local plan for the SELPA to determine ERMHS providers.~~

~~Upon request of the parent/guardian of a child who was previously served under Early Education for Individuals with Exceptional Needs (Education Code 5642556432) or the California Early Intervention Services Act (Government Code 95000-95004), the District shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system (i.e., HOPE Infant, California Early Start) to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)~~

Excusals and Waivers for Team Members

~~A member of the IEP team shall not be required to attend an IEP team meeting in whole or in part if the parent/guardian and the District agree in writing that the~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.~~

~~Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related services, the member may be excused from the meeting if the parent/guardian agrees in writing and the District consents to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(c); 34 CFR 300.321)~~

Parent/Guardian Notification, Participation, and Other Rights

~~The Superintendent/designee shall send parents/guardians notice of the IEP team meetings and this notice shall ensure that one or both of the parents/guardians of the student with a disability are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include (1) notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and, (2) scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322; 34 CFR 300.345)~~

~~The Superintendent/designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)~~

- ~~1. Indicate the purpose, time, and location of the meeting.~~
- ~~2. Indicate who will be in attendance at the meeting.~~
- ~~3. Inform them of:~~
 - ~~a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341 (b)(6).~~
 - ~~b.a. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 5642556432) or the~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~California Early Intervention Services Act (Government Code 95000-95004).~~

~~Shall include the following: (Education Code 56341.5)~~

~~An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b).~~

- ~~1. An indication that the student is invited to the IEP team meeting.~~
- ~~2. Identification of any other agency that will be invited to send a representative. If parent/guardian cannot attend the IEP team meeting, the Superintendent/designee shall use other methods to ensure parent/guardian participation, including video-conferences or individual or conference telephone calls. (Education Code 56341.5, 20 USC 1414(f); 34 CFR 300.322)~~

~~An IEP meeting may be conducted without a parent/guardian in attendance if the District is unable to convince the parent/guardian that he/she should attend. In this case, the District shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including (Education Code 56341.5; 34 CFR 300.322)~~

- ~~1. Detailed records of telephone calls made or attempted and the results of those calls.~~
- ~~2. Copies of correspondence sent to the parent/guardian and any response received.~~
- ~~3. Detailed records of visits made to the parent's/guardian's home or place of employment and the results of those visits.~~

IEP Meetings

~~The IEP team shall meet: (20 USC 1414(d); Education Code 56343)~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

1. ~~Whenever a student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment.~~
2. ~~Whenever the student demonstrates a lack of anticipated progress.~~
3. ~~Whenever the parent/guardian or teacher requests a meeting to develop, review, or revise the IEP.~~
4. ~~At least annually to:~~
 - a. ~~Review the student's progress and to determine whether the student's annual goals are being achieved.~~
 - b. ~~Review the IEP and the appropriateness of placement.~~
 - c. ~~Make any necessary revisions to the IEP.~~

~~The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge.~~

1. ~~As a member of the IEP team, the general education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of: (Education Code 56341; 20 USC 1414(d)(3)(c); CFR 300.324)~~
 - a. ~~Appropriate positive behavioral interventions and support and other strategies for the student.~~
 - b. ~~Supplementary aids and services, program modifications, and support for school personnel who will be provided for the student, consistent with 34 CFR 300.320.~~
2. ~~If a participating agency other than the District, fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service needs for the student set out in the IEP. (Education Code 56345.1)~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~To the extent possible, the District shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)~~

~~The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)~~

~~When a change is necessary to the student's IEP after the annual IEP team meeting has been held, the parent/guardian and the District may agree in writing not to convene an IEP team meeting for the purpose of making the change and may instead develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the District shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)~~

~~Procedural Safeguards and Complaints for Special Education~~

~~At each IEP meeting convened by the District, the District administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)~~

~~*(cf. 6159.1 – Procedural Safeguards and Complaints for Special Education)*~~

~~Audio Recording IEP Meetings~~

~~Parents/guardians and the District shall have the right to audio record the proceedings of an IEP team meeting, provided members of the IEP team are notified of this intent at least 24 hours prior to the meeting. If the District gives notice of intent to audio record a meeting and if the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. (Education Code 56341.1)~~

~~Parents/guardians also have the right to: (Education Code 56341.1)~~

- ~~1. Inspect and review the audio recording.~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- ~~2. Request that the audio recording be amended if the parents/guardians believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights.~~
- ~~3. Challenge, in a hearing, information that the parents/guardians believes is inaccurate, misleading, or in violation of the student's privacy rights or other rights.~~

~~The District shall take any action necessary to ensure that the parents/guardians understood the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)~~

~~The District shall give the parents/guardians of a student with disabilities a copy of their child's IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)~~

Student Records

~~The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, the District shall provide complete copies of the requested records within five business days. (Education Code 56043)~~

Contents of the IEP

~~The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC 1414(d)(1)(A); 34 CFR 300.320; Education Code 56043, 56345, 56345.1)~~

~~1. A statement of the present levels of the student's educational-academic achievement and functional performance, including: ~~one of the following:~~~~

- ~~a. The manner in which the student's disability affects his/her the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students).~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- b. For ~~the a preschool child~~student, as appropriate, the manner in which the disability affects the student's~~his/her~~ participation in appropriate activities.
 - c. For students with disabilities who take alternative assessments aligned ~~with to~~ alternate achievement standards, a description of benchmarks or short-term objectives.
2. A statement of measurable annual goals, including academic and functional goals designed to:
 - a. Meet the student's needs that result from ~~his/her~~the disability in order to enable the student to be involved in and make progress in the general education curriculum ~~and standards~~.
 - b. Meet each of the student's other educational needs that result from the ~~student's~~ disability.
3. A description of the manner in which the student's progress toward meeting the annual goals described in Item 2 above will be measured and when the District will provide periodic reports on the progress the student is making towards meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards. ~~The description includes appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.~~
4. A statement of the special education instruction and, related services, and supplementary aids and services, based on peer-reviewed research to the extent ~~applicable~~practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel ~~who that~~ will be provided ~~for to~~ enable the student to:
 - a. Advance appropriately towards attaining the annual goals.
 - b. Be involved and make progress in the general education curriculum ~~and standards~~ in accordance with Item #1 above and to participate in extracurricular and nonacademic activities.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- c. Be educated and participate with other students with disabilities and nondisabled students in the activities ~~in this statement pursuant to Education Code 56345 described in the IEP.~~
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class and in the extracurricular and other nonacademic activities described in the ~~statement mentioned in Item #4 above.~~ IEP.
6. A statement of any appropriate individual ~~modifications~~ accommodations necessary to measure the academic achievement and functional performance of the student on state ~~or~~ and d~~Districtwide of student achievement that are needed in order for the student to participate in such assessments.~~
 - a. ~~If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or d~~Districtwide assessment, the student's IEP shall also include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.
 - ~~(1) A statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for him/her.~~
 - ~~(2) A statement of how the student will be assessed.~~

(cf. 6162.5 - Student Assessment)

7. The projected date for the beginning of the services and modifications described in Item #4 above and the anticipated frequency, location, and duration of those services and modifications.
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following: A statement of transition service needs, as defined in Education Code 56345.1, as follows:

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- a. ~~Beginning at age 14 (or younger if determined appropriate by the IEP team), and updated annually, a statement of transition service needs of the student under the applicable components of the IEP that focus on the student's courses or a vocational education program.~~
 - b. ~~Beginning at age 16 (or younger if determined appropriate by the IEP team), and annually thereafter, a statement of needed transition services for the student including, when appropriate, a statement of the interagency responsibilities or any needed linkages.~~
 - e.b. Appropriate objective measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
 - d.c. The transition services, including courses of study, needed to assist the student in reaching the annual those goals.
9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services. statement of:
- a. ~~How the student's progress towards the annual goals described in Item #2 above will be measured.~~
 - b. ~~How the student's parents/guardians will be regularly informed by such means as periodic report cards at least as often as parents/guardians of nondisabled students of:~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- ~~(1) Their child's progress towards the annual goals described in Item #2 above.~~
 - ~~(2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.~~
10. ~~A determination as to whether differential standards shall be developed for the student pursuant to Education Code 51215 and, if so, a copy of those standards. Beginning at least one year before the student reaches 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5.~~
11. ~~Where appropriate, the IEP shall also include:~~
12. ~~11. For~~ For a students in gGrades 7-12, any alternative means and modes necessary for the student to complete the District's prescribed course of study and to meet or exceed proficiency standards required for promotiongraduation.
12. ~~For a student whose native language is not English, I~~Linguistically appropriate goals, objectives, programs, and services, ~~for students whose primary language is not English.~~
13. ~~c.~~Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE.
14. ~~d. Provision for transition into the general education program~~ If the student is to be transferred from a special class ~~or center~~, or nonpublic, nonsectarian school, into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:-
13. ~~The IEP shall include descriptions of activities intended to:~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- a. Integrate the student into the general education program, including indications of the nature of each activity and the time spent on the activity each day or week.
- b. Support the transition of the student from the special education program into the general education program.

~~14.15. For a student with low incidence disabilities, s~~Specialized services, materials, and equipment for students with low incidence disabilities consistent with the guidelines of Education Code 56136.

Parent/Guardian Consent

~~Before providing special education and related services, the District shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). The District shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if the parent/guardian refuses to consent to the initiation of services. If the parent/guardian does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)~~

~~If the District determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with a FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the District agrees in writing otherwise. (Education Code 56346)~~

Revocation of Consent

~~If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent in writing for the continued provision of special education services, the Superintendent/designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The District shall not request a due process hearing or pursue mediation in order to~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~require an agreement or ruling that services be provided to the student.
(Education Code 56346; 34 CFR 300.300, 300.503)~~

~~Prior to the discontinuation of services, the Superintendent/designee may offer to meet with the parent/guardian to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. In addition, the Superintendent/designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.~~

~~When the District ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.~~

Development , Review, and Revision of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 C.F.R. 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment unless the parent/guardian agrees, in writing, to an extension.

Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing or revising the IEP, the IEP team shall consider the following:
(20 USC 1414(d)(3)(A); 34 CFR 300.324; Education Code 56341.1, 56345)

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

1. The strengths of the student.
2. The concerns of the parents/guardians for enhancing the education of their child.
3. The results of the initial assessment or most recent assessment of the student.
4. The academic, developmental, and functional needs of the student.
5. ~~As appropriate, the results of the student's performance on any general state or Districtwide assessment programs.~~
- 6.5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions, strategies, and supports to address that behavior.
- 7.6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP.
- 8.7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille. However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an evaluation of the student's reading
- 9.8. and writing skills, his/her future needs for instruction in Braille or use of Braille, and other appropriate reading and writing media.
- 10.9. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with a sufficient number of age, cognitive, and language peers of similar abilities and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access as described in Education Code 56345.

44.10. Whether the student requires assistive technology devices and services.

If, in considering the special factors in Items #1-10 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

The District shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 C.F.R. 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 C.F.R. 300.323)

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 C.C.R. 3051.3)

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If a student's IEP requires the provision of assistive technology devices or services, the District shall provide such devices or services and shall, on a case by case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the District shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the District or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 C.F.R. 300.105)

The IEP may be revised, as appropriate, to address: (Education Code 56343, 56345.1; 20 USC 1414(d)) Review and Revision of the IEP

The Superintendent or /designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56041.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)

1. ~~Reviews the IEP periodically, but at least annually, to determine whether the~~ annual goals for the student are being achieved and the appropriateness of placement.
2. Revises the IEP, as appropriate, to address:
 - a. Any lack of expected progress towards the annual goals and in the general education curriculum, where appropriate.
 - b. The results of any ~~reevaluation~~ reassessment conducted pursuant to Education Code 56381.
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305(a)(2) and Education Code 56381~~(b)~~.
 - d. The student's anticipated needs.
 - e. Other relevant matters.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

3. Considers the special factors listed in Items 5-96-10 above under Development of the IEP when reviewing the IEP of a student with disabilities to whom has additional behavior or communication needs one of those factors may apply.

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the District shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for yearround schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the District fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the District in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (Education Code 20 USC 1414; 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings.
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights.
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights.

Parent/Guardian Participation and Other Rights

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting.
2. Indicate ~~who~~ the roles of IEP team members who will be in attendance at the meeting.
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341.
 - b. The provision of Education Code 56341 relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004).

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320.
2. An indication that the student is invited to the IEP team meeting.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

At each IEP team meeting convened by the District, the District administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days.

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.323)

1. Detailed records of telephone calls made or attempted and the results of those calls.
2. Copies of correspondence sent to the parent/guardian and any responses received.
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of the child's IEP at no cost.

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiating of services, the District shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the District shall not be required to convince an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services.

When the District ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Nonpublic, Nonsectarian School and Agency Services for Special Education

~~If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the District in a nonpublic, nonsectarian school, the District shall conduct an annual evaluation as part of the IEP process as to whether the placement is the least restrictive environment that is appropriate for the student's needs. (Education Code 56157)~~

~~When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all the following: (Education Code 56043)~~

- ~~1. The case progress.~~
- ~~2. The continuing need for out-of-home placement.~~
- ~~3. The extent of compliance with the IEP.~~
- ~~4. Progress toward alleviating the need for out-of-home care.~~

Transfer Students

To facilitate the transition of a student with disabilities who is transferring into the District, the District shall take reasonable steps to promptly obtain the student's records, including his/her IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 C.F.R. 300.323).

If the student transfers into the District from another school district within the same SELPA during the school year, the District shall continue to provide services comparable to those described in the student's existing IEP, unless his/her parents/guardians and the District agree in writing to develop, adopt, and

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 C.F.R. 300.323) ~~The District IEP team shall meet to review the student's needs and enter the IEP services and student information into the District online system.~~

If the student transfers into the District from a school district outside of the Districts' SELPA during the school year, the District shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, the District shall, in consultation with the student's parents/guardians, adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the District from an out-of-state district during the school year, the District shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parents/guardians, until such time as the District conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

Due Process/Mediation

~~A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed and grants consent in writing. Informed consent for participation includes:~~

- ~~a. Written explanation of the facts that make participation in the program necessary or desirable.~~
- ~~b. Full explanation of the contents of the IEP.~~
- ~~c. The parent/guardian consents in writing to all or part of the IEP after receiving the information. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)~~

Instruction

INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~If the Superintendent/designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a FAPE to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code AR 6159-56500.3.~~

~~While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent/designee agree in writing otherwise. (Education Code 56346)~~

~~While a due process hearing is pending, the Superintendent/designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503.~~

~~If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code 56346)~~

Regulation
Reviewed: 03/07/00
Reviewed: 12/06/11
Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6159.1, Procedural Safeguards and Complaints for Special Education

 X Action

 Information

BACKGROUND INFORMATION:

Administrative Regulation (AR) 6159.1 is being revised to align with current State legislation relative to Procedural Safeguards for Special Education.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

PROCEDURAL SAFEUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

A parent or guardian of a child with a disability has rights and procedural protections under state and federal law.

~~Both federal and state law give~~A parents/guardians of students with disabilities the right to due process and require, the District to provide procedural safeguards. Districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below, and/or a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever: (Education Code 56501)

Prior Written Notice

The Superintendent or designee shall send to the parents/guardians of any student a child with disabilities a disability a prior written notice within a reasonable time in the following circumstances:
(Education Code 56346, 56500.4, 56500.5; 20 U.S.C. 1415; 34 C.F.R. 300.102, 300.300, 300.503)

1. Before the District initially refers the student for an assessment.
2. ~~There is a~~Within a reasonable time b~~Before the District proposes~~a to initiate or change the student's identification, assessment, or educational placement, ~~of the student~~ or the provision of a free, appropriate public education (FAPE) to the student.
3. ~~There is a~~Within a reasonable time b~~Before the District refuses~~a to initiate or change the student's identification, assessment, or educational placement ~~of the student~~ or the provision of a free, appropriate education FAPE to the student.
4. ~~Within a reasonable time b~~Before the student graduates from high school with a regular diploma thus resulting in a change of placement.
- 4.5. ~~Upon a receipt of the parent/guardian's written revocation of~~refuses to consent to an assessment of his/her child for the continued provision of special education and related services to the student.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

The prior written notice shall include: (~~Education Code 56500.4; 20 U.S.C. 1415; 34 C.F.R. 300.503~~)

1. A description of the action proposed or refused by the District.
2. An explanation as to why the District proposes or refuses to take the action.
3. A description of each assessment procedure, test, record, or report the District used as a basis for the proposed or refused action.
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained.
5. Sources for parents/guardians to obtain assistance in understanding these provisions.
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected.
7. A description of any other factors relevant to the District's proposal or refusal.

(cf. 5145.6 Parental Notifications)

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability once each school year and: (~~Education Code 56301; 20 USC 1415; 34 C.F.R. 300.504~~)

1. Upon initial referral or parent/guardian request for assessment.
2. Upon receipt of the first state compliance complaint in a school year, filed in accordance with the section "State Compliance Complaints" below.
3. Upon receipt of the first due process hearing request in a school year.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

4. In accordance with the discipline procedures pursuant to 34 C.F.R. > 300.503(h), when a decision is made to remove ~~removal of~~ a student because of a violation of a code of conduct constituting a change of placement.
5. Upon receipt by a parent/guardian.

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to:
(Education Code 56301; 20 USC 1415; 34 CFR 300.504)

1. Independent educational evaluation;
2. Prior written notice;
3. ~~P~~Parental consent, including a parent/guardian's right to revoke consent, in writing, to his/her child's continued receipt of special education and related services-;
4. Access to educational records;
5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the District to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedure;
6. The availability of mediation;
7. The student's placement during the pendency of ~~anayany~~ due process complaint;

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parent/guardians or students in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations;
11. State-level appeals;
12. Civil actions, including the time period in which to file those actions; and
13. Availability of attorneys' fees pursuant to 34 C.F.R. 300.517.
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)
(cf. 6164.4 - Identification of Individuals for Special Education)

The notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (~~Education Code 56321, 56321.5, 56321.6~~)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing.
2. The timelines for completing each process.
3. Whether the process is optional.
4. The type of representative who may be invited to participate.
5. The right of parents/guardians and/or the District to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1.
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

A copy of this notice shall be attached to the student's assessment plan. At each IEP meetings, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56500.1)
Format of Parent/Guardian Notices

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504)

If the native language or other mode of communication of the parent/guardian is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means in the parent/guardian's native language or other mode of communication and that the parent/guardian understands the contents of the notice. (34 CFR 300.503)

The District may place a copy of the procedural safeguards notice on the District's web site.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication.

Filing-Due Process Complaints

A parent/guardian and/or the District may initiate due process hearing procedures whenever: (Education Code 56501; 20 U.S.C. 1415)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

3. The parent/guardian refuses to consent to an assessment of the student.
4. There is a disagreement between a parent/guardian and the District regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 C.F.R. 300.148.

~~Upon requesting~~Prior to having a due process hearing, the ~~parent/guardian or attorney representing the child shall provide notice the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process compliant,~~ which shall remain confidential, ~~to the District specifying: (Education Code 56502; 20 USC 1415(b); 34 CFR 300.5087)~~

1. The ~~child's~~student's name.
2. The ~~child's~~student's address ~~or, or,~~ in the case of a student identified as homeless pursuant to 42 U.S.C. 11434, available contact information for that student.
3. The name of the school the ~~child~~student attends.
4. A description of the nature of the ~~child's~~student's problem relating to the proposed or refused initiation or change, including facts relating to the problem.
5. A proposed resolution to the problem to the extent known and available to the ~~parents/guardians~~complaining party at the time.

Parties filing a due process complaint shall file their request with the state Office of Administrative Hearings, Special Education Division.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the District misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

District's Response to Due Process Complaints

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

If the District has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the District shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415; 34 CFR 300.508)

If the District has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the District shall send a response to the parent/guardian's due process complaint, the District shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 U.S.C. 1415; 34 C.F.R. 300.508)

1. An explanation of why the District proposed or refused to take the action raised in the complaint.
2. A description of other options that the IEP team considered and the reasons that those options were rejected.
3. A description of each evaluation procedure, assessment, record, or report the District used as the basis for the proposed or refused action.
4. A description of the factors that are relevant to the District's proposal or refusal.

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the District shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

Before ~~Prior to or upon initiating a due process hearing, requesting a state mediation conference or due process hearing, parties the Superintendent or designee and a parent/guardian may, if the party initiating the hearing chooses, agree may ask to meet informally to resolve the any issue(s) relating to the identification, assessment, education, and placement, or provision of FAPE for a student with disabilities. The District Superintendent or designee shall conduct this informal meeting and shall have the authority to resolve the problem(s). have the authority to resolve the issue9s). (Education Code 56502)~~

Instruction

PROCEDURAL SAFEUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference. (Education Code 56500.3)

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3.

Attorneys may ~~participate~~ attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501) This conference shall be scheduled if both parties agree to mediate and are willing to extend the 45-day limit for issuing a hearing decision for a period equal to the length of the mediation process. (Education Code 56501) Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Education Code 56502)

State Compliance Complaints

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 C.C.R. 3200, 3204)

1. The District violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).

2. The District violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.

3. The District violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.

4. The District failed or refused to implement a due process hearing order to which the District is subject.

5. ~~5.~~Physical safety concerns interfered with the provision of FAPE.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

The complaint shall include: ~~(5 CCR 3202; 34 CFR 300.153)~~

1. A statement that the District has violated or failed to comply with any provision set forth in 5 CCR 3201.
2. The facts on which the statement is based.
3. The signature and contact information for the complainant.
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. ~~(5 CCR 3202)~~

Within 30 days of the date of CDE's investigation report, the District or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. ~~(5 CCR 3204)~~

~~A least five business days prior to a due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. (20 USC 1415(f))~~

Due Process Hearing Rights

Due process hearing rights include: ~~(Education Code 56501, 56506)~~

- ~~1. The right to state a prehearing~~ mediation conference pursuant to Education Code 56500.3.

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

2. The right to request a mediation conference at any point during the hearing process.
3. The right to examine student records and receive copies within five business days of request.
4. The right to a fair and impartial administrative hearing at the state level before a person knowledgeable and under contract in accordance with law.
5. The right to have the student who is the subject of the state hearing present at the hearing.
6. The right to open the state hearing to the public.
- ~~7. The right to initiate referral of a child for special education pursuant to Education Code 56303.~~
- ~~8. The right to obtain an independent educational assessment pursuant to Education Code 56329.~~
- ~~9. The right to participate in the development of the Individualized Education Program (IEP) and be informed of the availability under state and federal law of Free and Appropriate Public Education (FAPE) and of all available alternative programs, both public and nonpublic. (cf. 6159 – Individualized Education Program)~~
- ~~10. The right to obtain written parental consent pursuant to Education Code 56321 before any assessment of the student is conducted unless the District or SELPA prevails in a due process hearing relating to such assessment. Informed parental consent need not be obtained in the case of a reassessment of the student if the District can demonstrate that reasonable measures have been taken to obtain consent and that the student's parent/guardian has failed to respond.~~
- ~~11. The right to obtain written parental consent pursuant to Education Code 56321 before the student is placed in a special education program.~~

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Citations:

(Education Code 56346, 56500.3, 56500.4, 56500.5, 56501; 20 U.S.C. 1415; 34 C.F.R. 300.102, 300.300, 300.503; 5 C.C.R. 3200-3205.)

~~The parties shall also have the following rights: (5 CCR 3082)~~

- ~~1. The right to call witnesses, including adverse witnesses, including the right to issue subpoenas.~~
- ~~2. The right to compel the attendance of witnesses, including the right to issue subpoenas.~~
- ~~3. The right to have witnesses excluded from the hearing.~~
- ~~4. Because hearings are conducted in English, the right to an interpreter, when the primary language of a party to a hearing is other than English, or other mode of communication.~~
- ~~5. The right of parents/guardians to determine whether the due process hearing will be open or closed to the public.~~
- ~~6. If the hearing officer conducts all or part of a hearing by electronic means, the right of each participant in the hearing to participate in and hear the entire proceeding while it is taking place and to observe exhibits.~~

~~At the hearing, the parent/guardian shall have the right to be accompanied and advised by counsel individuals with special knowledge or training with respect to the problems of children with disabilities. (34 CFR 300.509)~~

~~The parent/guardian shall have the right to obtain a written or, at his/her option, electronic verbatim recording of the hearing. In addition, the parent/guardian shall have the right to obtain written, or, at his/her option, electronic findings of facts and decisions. The District shall provide this record and findings of fact to the parent/guardian at no cost.~~

Prior Written Notice

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

~~The Superintendent or designee shall send parents/guardians a prior written notice whenever there is a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free and appropriate public education. This notice shall include: (30 USC 1415(c); 34 CFR 300.503)~~

- ~~1. A description of the action proposed or refused by the District.~~
- ~~2. An explanation as to why the District proposes or refuses to take the action.~~
- ~~3. A description of any other options that the District considered and why those options were rejected.~~
- ~~4. A description of each evaluation procedure, test, record or report the District used as a basis for the proposed or refused action.~~
- ~~5. A description of any other factors that are relevant to the District's proposal or refusal.~~
- ~~6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained.~~
- ~~7. Sources for parents/guardians to obtain assistance in understanding these provisions.~~

~~(cf. 5145.6 - Parental Notifications)~~

~~Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341. (Education Code 56341, 56506; 34 CFR 300.503)~~

~~If the native language or other mode of communication of the parent/guardian is not a written language, the District shall take steps to ensure that: (34 CFR 300.503)~~

- ~~1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication.~~
- ~~2. The parent/guardian understands the contents of the notice.~~
- ~~3. There is written evidence that #1 and #2 have been satisfied.~~

Instruction

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability upon: (20 USC 1415(d))

1. Initial referral for evaluation;
2. Each notification of an IEP meeting;
3. Reevaluation of the student; or
4. Registration of a complaint.

This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the District to electronically record the proceedings of the IEP meeting in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include a full explanation of the procedural safeguards relating to: independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians or students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; and attorney's fees. (20 USC 1415(d); 34 CFR 300.504)

~~(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities)~~
~~(cf. 6164.4 – Identification of Individuals for Special Education)~~

Regulation

Reviewed: 03/07/00

Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Board Policy and Administrative Regulation 6159.2, Nonpublic, Nonsectarian School and Agency Services for Special Education

 X Action

 Information

BACKGROUND INFORMATION:

Board Policy (BP) and Administrative Regulation (AR) 6159.2 are being revised to align with current State legislation relative to nonpublic, nonsectarian school and agency services for Special Education students.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with the law. When a student with a disability requires an educational program or services unavailable in the District, the Board may enter into a contract with state-certified nonpublic, nonsectarian schools or agencies ("NPS/A") to provide special education services when an appropriate public education program is not available, meet the student needs consistent with the comprehensive local plan of the Special Education Local Plan Area ("SELPA").

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

(cf. 0430 Comprehensive Local Plan for Special Education)
(cf. 1312.3 Uniform Complaint Procedures)
(cf. 3541.2 Transportation for Students with Disabilities)
(cf. 4112.23 Special Education Staff)
(cf. 6146.4 Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 Individualized Education Program)
(cf. 6159.1 Procedural Safeguards and Complaints for Special Education)
(cf. 6164.4 Identification of Individuals for Special Education)

When Prior to entering into a contract to place any student in an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with relevant staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any NPS/A with which the District has a contract to ensure that the certification has not expired.

No District student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that placement is appropriate for the student.

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION** (continued)

~~(Education Code 56342.1) consider the needs of the individual student and the recommendations of the Individualized Education Program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.~~

~~The District shall pay to the NPS/A the full amount of the tuition or, as amended by AB 1172, the agency fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)~~

~~In accordance with law, any student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of the student's IEP. (Education Code 56195.8, 56342.1)~~

~~During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.~~

~~The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any District student.~~

~~The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, 56366.3, and 56366.6. (Education Code 56366.2)~~

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by an attorney with conflict of interest

56101 Waivers

56163 Certification

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

56168 Responsibility for education of student in hospital or health
facility school

56195.8 Adoption of policies

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

56836.20-56836.21 Nonpublic, Nonsectarian School Contracts

GOVERNMENT CODE

7570-75878 Interagency responsibilities for providing service to
children with disabilities, especially:

~~7572.55 Seriously emotionally disturbed child; out-of-state placement~~

FAMILY CODE

7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

~~30561-3051.24369 Nonpublic, nonsectarian school and agency
services~~Standards for Related Services and Staff Qualifications

3060-3070 Nonpublic, nonsectarian school and agency
services

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

~~300.129400-300.148487~~ Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct., 1997

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

Management Resources:

CDE ADVISORIES

~~Nonpublic School/Agency Waivers and Reimbursement to Parents~~ FEDERAL
REGISTER

~~34 CFR 300.a. Appendix A to Part 300—Questions and Answers~~

~~34 CFR 300.a.1 Attachment 1: Analysis of Comments and Changes~~

WEB SITES

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

US Department of Education, Office of Special Education and

Rehabilitative Services: <http://www.ed.gov/offices/OSERS>

Policy

Reviewed: 03/28/00

Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Master Contract

Every master contract between the District and a nonpublic, nonsectarian school or agency ("NPS/A") shall specify the following:

1. ~~specify the general~~ General administrative and financial agreements.
2. Teacher-pupil ratios for providing special education and designated instruction and services.
3. How transportation specified in each student's individualized education program ("IEP") shall be provided.
4. ~~Procedures for recordkeeping and documentation.~~
5. ~~4. The maintenance of school records by the District to ensure that appropriate high school graduation credit is received by any participating student.~~
6. The process for the District to oversee and evaluate placements in nonpublic schools, including the method for evaluating whether each student is making appropriate educational progress.
7. Procedures and responsibilities for attendance and unexcused absences.
8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements.
9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions.
10. For an NPS owned, operated by, or associated with a licensed children's institution, the method for evaluating whether the NPS is in compliance with the mandates set forth in Ed. Code section 56366.9 and Health and Safety Code section 1501.1(b).

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062) The contract may allow for partial or full-time attendance at a non-public school.

Individual Services Agreement

The master contract shall include an individual services agreement for each student placed by the District that specifies the length of time for which the student shall attend the nonpublic school or receive non-public agency services. Changes to services provided under contract may only be made as part of the student's IEP.

Out-of-State Placements

Before contracting with a NPS/A outside California, the Superintendent or designee shall document the District's efforts to find an appropriate program offered by a NPS/A within California.

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the District's efforts to locate an appropriate public school or NPS/A within California.

If the District decides to place a student with a NPS/A outside the state, the District shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California.

Monitoring

At least once a year, the District shall, to the extent possible, evaluate the educational progress of each student placed in an NPS, including state assessment results and consider at an IEP team meeting whether the student's needs can be met through transitioning to a nonpublic school setting.

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

The parent, NPS, or District may request an IEP team meeting at any time to review the student's IEP. Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in NPS/A programs.

When a special education student meets the District requirements for completion of prescribed course of study in the student's IEP, the District shall award the student a diploma of graduation. (5 CCR 3070)

(cf. 6146.4 – Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

~~The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the District does not have any other students currently enrolled in the NPS/A (Education Code 56366.1)~~

~~At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the District has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)~~

~~1. A review of services provided to the student through the individual services agreement.~~

~~1. _____~~

~~2. A review of progress the student is making toward the goals set forth in the student's IEP.~~

~~2. _____~~

~~3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable.~~

~~3. _____~~

~~4. An observation of the student during instruction.~~

~~4. _____~~

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

~~5. A walkthrough of the facility.~~

~~The District shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)~~

Changes to Master Contract

~~Student teacher ratios.~~

~~2. Transportation specified in a student's individualized education program (IEP).~~

~~The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the District for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.~~

~~(cf. 6159 — Individualized Education Program)~~

~~(cf. 3541.2 — Transportation for Students with Disabilities)~~

~~3. Procedures for recordkeeping and documentation.~~

~~4. The maintenance of school records by the District to ensure that appropriate high school graduation credit is received by any participating student.~~

~~5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP.~~

Placement and Services

~~Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.~~

~~Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's Individualized Education Program (IEP), not to exceed one year. Changes in educational instruction, services, or placement shall be~~

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

~~made only on the basis of revisions to the student's IEP. (Education Code 56366)~~

~~(cf. 6159—Individualized Education Program)~~

~~The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the District to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the District to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)~~

~~(cf. 3541.2—Transportation for Students with Disabilities)~~

~~6. The master contract shall include a description of the process being utilized by the District to oversee and evaluate placements in nonpublic, nonsectarian schoolsNPS/A. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Educational Code 56366)~~

~~7. Procedures and responsibilities for attendance and unexcused absences.~~

~~8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements.~~

~~9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions.~~

~~The contract may allow for partial or full-time attendance at the NPS/A. (Education Code 56366)~~

~~With mutual agreement of the District and NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services,~~

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

or placement as outlined in student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

For any student to be placed in an NPS/A, the Superintendent or designee shall develop an individual services agreement based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

At least once each year, the District shall: (Education Code 56366)

Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results.

2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting.

The District IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

Prior to the annual review of a student's IEP, the Superintendent or designee of an elementary school district shall notify any high school district to which the student may transfer of all students placed the student's enrollment in nonpublic school or agency NPS/A programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 30698)

Instruction

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

~~When a special education student meets the District requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the District which developed the IEP shall award the student a diploma of graduation. (5 CCR 307059) (cf. 6146.4 — Differential Graduation and Competency Standards for Individuals with Exceptional Needs)~~

Out-of-State Placements

~~Before contracting with a nonpublic, nonsectarian school or agency NPS/A outside California, the Superintendent or designee shall document the District's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency NPS/A within California. (Education Code 56365)~~

~~Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the District's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency NPS/A within California. (Education Code 56365)~~

~~If the District decides to place a student with a nonpublic, nonsectarian school or agency NPS/A outside the state, the District shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)~~

On-Site Visits

~~The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the District does not have any other students currently enrolled in the NPS/A (Education Code 56366.1)~~

~~At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the District has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)~~

Instruction

**NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

5. A review of services provided to the student through the individual services agreement.

2. A review of progress the student is making toward the goals set forth in the student's IEP.

3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable.

4. An observation of the student during instruction.

5. A walkthrough of the facility.

The District shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

Regulation
Reviewed: 03/28/00
Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Board Policy 6159.3, Appointment of Surrogate Parent for Special Education Students

 X Action

 Information

BACKGROUND INFORMATION:

Board Policy (BP) 6159.3 is being revised to align with current State legislation relative to the appointment of surrogate parent for Special Education students.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities as necessary in accordance with law. ~~He/she~~The Superintendent or designee shall develop procedures for recruiting, training, and assigning adults to serve as surrogate parents.

~~Pursuant to 20 USC 1415(b)(2), districts and/or Special Education Local Plan Areas (SELPA's) are mandated to adopt procedures to protect the rights of a student whenever: (1) the parents of the child are not known, (2) the District cannot, after reasonable efforts, locate the parents, or (3) the child is a ward of the State. When the child is a ward of the State, the District's procedures must also include the assignment of an individual to act as a surrogate for the parents. This assigned individual cannot be an employee of the California Department of Education, the District, or any other agency that is involved in the education and care of the child. (20 USC 1415(b)(2))~~

Before individuals are appointed as surrogate parents, the Superintendent or designee shall ensure that they have passed a criminal background screening and have demonstrated interest and skill in working with children with disabilities, sensitivity to ethnic and cultural factors, and ability to work cooperatively with others.

(cf. 0430 Comprehensive Local Plan for Special Education)
(cf. 1312 Uniform Complaint Procedures)
(cf. 3515.6 Criminal Background Checks for Contractors)
(cf. 3541.2 Transportation for Students with Disabilities)
(cf. 4112.23 Special Education Staff)
(cf. 5144.2 Suspension and Expulsion/Due Process(Students with Disabilities)
(cf. 6146.4 Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
(cf. 6159 Individualized Education Program)
(cf.6159.1 Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6164.4 Identification of Individuals for Special Education)

Instruction

**APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION
STUDENTS (continued)**

Legal Reference:

EDUCATION CODE

56028 Parent

56050 Surrogate parents

56055 Rights of foster parents

GOVERNMENT CODE

~~7570-7588~~ 7587 Interagency responsibilities for providing services to disabled children, especially:

~~7579.4 Surrogate parent; appointment; qualifications; liability~~

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

361 Limitations on parental control

601 Minors habitually disobedient or truant

602 Minors violating laws

726 Limitations on parental control

UNITED STATES CODE, TITLE 20

~~1400414-14827~~ Individuals with Disabilities Education Act

1415 Procedural Safeguards

UNITED STATES CODE, TITLE 42

11434a Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

~~300.30~~ Definition of "parent"

300.519 Surrogate parents

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

~~34 CFR 300.a Appendix A to Part 300 – Questions and Answers~~

~~34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes~~

WEB SITES

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

US Department of Education, Office of Special Education and Rehabilitative Services <http://www.ed.gov/offices/OSERS>

Policy

Reviewed: 04/11/00

Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Administrative Regulation 6164.4, Identification of Individuals for Special Education

 X Action

 Information

BACKGROUND INFORMATION:

Administrative Regulation (AR) 6164.4 is being revised to align with current State legislation relative to identifying individuals for Special Education.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Referrals for Special Education Services

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, used where appropriate. (Education Code 56303)

All referrals from school staff for special education and related services shall be written and include a brief reason for the referral and description of the regular education program resources ~~describe the general education resources that were considered and/or modified for use with the student, and their effect.~~ (5 CCR 3021) This documentation shall not delay the timelines for completing the assessment plan or assessment.

~~Children who attend parochial or other private schools shall be provided assessment services comparable to those provided for public school children in accordance with state and federal regulations. Special education instructional services shall be provided in accordance with the plan developed by the Special Education Local Plan Area (SELPA). (Education Codes 56171, 56174)~~

Initial Evaluations for Special Education Services

Before the initial provision of special education and related services for a student with disabilities, the District shall conduct a full and individual evaluation of the student. (*Education Code 56320; 34 CFR 300.301*)

~~For stated timelines herein, note that in the case of student school vacations and breaks in excess of five days, timelines shall pause for the break and recommence on the date that the student's school days reconvene.~~

Upon receipt of a referral of any student for special education and related services, a proposed evaluation plan shall be developed within 15 calendar days, not counting days between the student's regular sessions or terms or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. (*Education Code 56321*)

If the referral is made within 10 days or less prior to the end of the student's regular school year or term, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year or term. (*Education Code 56043, 56321*)

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

The proposed evaluation plan shall meet all of the following requirements:
(*Education Code 56321*)

1. Be in a language easily understood by the general public.
2. Be provided in the native language of the parent/guardian as the language or other mode of communication used by the parent/guardian unless it is clearly not feasible.
3. Explain the types of evaluation to be conducted.
4. State that no Individualized Education Program (IEP) will result from the evaluation without parent/guardian consent.

(*cf. 6159 - Individualized Education Program*)

Before conducting an initial evaluation, the District shall provide the parent/guardian with prior written notice in accordance with *34 CFR 300.503*. In addition, as part of the evaluation plan, the parent/guardian shall receive a notice that includes all of the following information: (*Education Code 56329; 34 CFR 300.304, 300.504*)

1. Upon completion of the administration of tests and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to *Education Code 56341*. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in *Education Code 56026* and shall discuss the evaluation, the educational recommendations, and the reasons for these recommendations.
2. When making a determination of eligibility for special education, the District shall not determine that the student is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368; lack of appropriate instruction in mathematics; or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

4. If the parent/guardian disagrees with an evaluation obtained by the District, he/she has the right to obtain, at public expense, an independent educational evaluation (IEE) of the student from qualified specialists, in accordance with 34 CFR 300.502. The parent/guardian is entitled to only one such evaluation at public expense each time the District conducts an assessment with which the parent/guardian disagrees. ~~A list of independent evaluators utilized by South County districts is available from the South County SELPA.~~

If the District observed the student in conducting the evaluation, or if its evaluation procedures make it permissible to have in-class observation(s) of the student, an equivalent opportunity shall apply to the IEE. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the District's proposed placement and setting, if any, regardless of whether the IEE is initiated before or after the filing of a due process hearing.

5. The District may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is that the evaluation is appropriate, the parent/guardian maintains the right for the IEE, but not at public expense.

If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the District with respect to the provision of a free appropriate public education (FAPE) for the student, and may be presented as evidence at a due process hearing regarding the student.

If the District observed the student in conducting its evaluation, or if its evaluation procedures make it permissible to have in-class observation(s) of the student, an equivalent opportunity shall apply to an IEE of the student in the student's current educational placement and setting and in any educational placement and setting proposed by the District, regardless of whether the IEE is initiated before or after the filing of a due process hearing.

If the parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the District shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in a nonpublic school by his/her parent/guardian, the student in that proposed placement. Any such observation shall only be of the student who is the subject of the observation and shall not include the observation or evaluation

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

of any other student in the proposed placement unless that other student's parent/guardian consents to the observation or evaluation. The results of ~~any observation~~ any observation or evaluation of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding FAPE of that other student.

(cf. 5146.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Parent/Guardian Consent for Evaluations

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 calendar days to decide whether or not to consent to the initial evaluation. The District shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of special education services. (Education Code 56321; 34 CFR 300.300)

The assessment may begin as soon as informed parental consent is given.
(Education Code 56321; 34 CFR 300.505)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Informed Consent

Informed parental consent means that the parent/guardian: (Education Code 56021.1; 34 CFR 300.9500)

1. Has been fully informed in his/her native language or other mode of communication of all information relevant to the activity for which consent is sought.
2. Understands and agrees in writing to the carrying out of the activity for which his/her consent is sought, and the consent describes the activity and lists the records (if any) that will be released and to whom.
3. Understands that the granting of consent is voluntary on the part of the parent/guardian and may be revoked at any time.

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

4. Understands that if he/she revokes consent, the revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

The District shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The District shall maintain a record of its attempts to obtain consent, including: (Education Code 56321, 56341.5; 34 CFR 300.300, 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls.
2. Copies of correspondence sent to the parent/guardian and any responses received.
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the District may, but is not required to, pursue an evaluation by utilizing the procedural safeguards, including the mediation and due process procedures pursuant to 20 USC 1415 and 34 CFR 300.506-300.516. (Education Code 56321; 34 CFR 300.300)

For a student who is a ward of the state and not residing with his/her parent/guardian, the District may conduct an initial evaluation without obtaining informed consent if any of the following situations exists: (Education Code 56321.1; 20 USC 1414; 34 CFR 300.300)

1. Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent/guardian of the student.
2. The rights of the parent/guardian of the student have been terminated in accordance with California law.

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

The District need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless consent is required from the parents/guardians of all students. (Education Code 56321; 34 CFR 300.300)

Conduct of the ~~Assessment~~ Evaluation

The District shall complete the determination as to whether the student is a student with disabilities, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within sixty (60) calendar days of receiving parent/guardian consent for the evaluation. (Education Code 56344; 34 CFR 300.300, 300.301)

For stated timelines herein, note that in the case of student school vacations and breaks in excess of five days, timelines shall pause for the break and recommence on the date that the student's school days reconvene.

The evaluation shall be conducted by qualified personnel who are competent to perform the assessment as determined by the District. (Education Code 56320, 56322)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation of eligibility for special education and related services. (34 CFR 300.302)

In conducting the evaluation, the District shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. The District shall also use any information provided by the parent/guardian that may assist the District in making the determination as to whether the student is a student with disabilities and, if so, the necessary components of his/her IEP when the IEP is developed, including

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

information related to enabling the student to be involved in and to progress in the general education curriculum. (34 CFR 300.304)

The District's evaluation shall not use any single measure or assessment as the sole criteria for determining whether the student is a student with disabilities and for determining the appropriate educational program for the student. The assessment shall use technically sound instruments that may assess the relative contribution and behavioral factors in addition to physical or developmental factors. (34 CFR 300.304)

The District shall also ensure that assessments and other evaluation materials provide relevant information that assist in determining the student's educational needs. (Education Code 56320; 34 CFR 300.304).

Procedures for assessment shall require that test instruments and materials are:

1. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis or on the basis of the child's areas of suspected disability(ies).
2. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
- ~~1.3. Instructions shall be Used for the purposes for which the assessments or measures are valid and reliable.~~
- ~~2. Tests are not limited to those which provide a single intelligence quotient.~~
- ~~3.4. Administered by trained and knowledgeable personnel, in conformance with instructions provided by their producers, validated for the specific purposes for which they are used, in the child's primary language or mode of communication, and are selected so as not to be racially or culturally discriminatory.~~
- ~~4.5. Selected and administered so as not to be discriminatory on a racial, cultural, or sexual basis. No child who, upon registration in school and whose parents/guardians indicate Black or African American as their ethnicity, will be administered an I.Q. test in the determination of eligibility for special education~~

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

~~programs.~~ Administered in accordance with any instructions provided by the producer of the assessments

- ~~5.6.~~ Tailored to assess specific areas of educational needs and not merely designed to provide a single general intelligence quotient. Tests are not limited to those which provide a single intelligence quotient.
- ~~6. Provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally unless it is clearly not feasible to so provide or administer.~~
7. If a Administered to a student with impaired sensory, manual, or speaking skills ~~in a manner selected and administered to best ensure that the results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure.~~

Students shall be assessed in all areas related to the suspected disabilities, including, if appropriate, health and development, vision (including low vision), hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interest, and social emotional status. When appropriate, a developmental history shall be obtained. The District shall ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disabilities category in which the student has been classified. (Education Code 56320; 34 CFR 300.304)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the student, including evaluations and information provided by the parent/guardians, current classroom-based local or state assessments and classroom-based observations, and observations by teachers and related services providers. On the basis for that review and input from the student's parents/guardian, the team shall identify what additional data, if any, are needed to determine: (Education Code 56381; 34 CFR 300.305).

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

1. Whether the student is a student with disabilities, or in the case of a reevaluation, whether the student continues to have disabilities, and the educational needs of the student.
2. The present levels of academic achievement and related developmental needs of the student.
3. Whether the student needs, or continues to need, special education and related services.
4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum.

If a student has transferred from another district in the same school year or leaves this District, the District shall coordinate with the student's prior or subsequent district as necessary and as expeditiously as possible to ensure prompt completion of full evaluations. *(34 CFR 300.304)*

Eligibility Determination

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the student is a student with disabilities and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources, including aptitude and achievement tests, parent/guardian input and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered. *(34 CFR 300.306)*

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following: *(Education Code 56327)*.

1. Whether the student may need special education and related services.
2. The basis for making this determination.

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

3. Relevant behavior noted while observing the student in an appropriate setting.
4. The relationship of the student's behavior to his/her academic and social functioning.
5. The educationally relevant health, development and medical findings, if any.
6. For students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
7. A determination concerning the effects of environmental, cultural, or economic disadvantage where appropriate.
8. The need for specialized services, materials, and equipment for students with low incidence disabilities, consistent with Education Code 56136.

When making a determination of eligibility for special education and related services, the District shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction pursuant to 20 USC 6368, lack of instruction in Mathematics, limited English proficiency, or that the student does not otherwise meet the eligibility criteria. (*Education Code 56329; 34 CFR 300.306*)

If a determination is made that a student has disabilities and needs special education and related services, an IEP shall be developed within a total time not to exceed 60 calendar days, not counting days between the student's regular school sessions or terms or days of school vacations/breaks in excess of five school days, from the date of the receipt of the parent's/guardian's consent for evaluation unless the parent/guardian agrees in writing to an extension. (*Education Code 56043; 34 CFR 300.306*)

~~The parent/guardian shall receive written notice that upon completion of the administration of the tests and assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education~~

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

~~Code 56026 and shall discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report shall be given to the parent/guardian. (Education Code 56329; 34 CFR 300.502)~~

Independent Educational Evaluation (IEE)

~~The parents/guardians of a student with a disability have the right to obtain an IEE at public expense under the same criteria that the district uses for a district-initiated evaluation. An IEE is an evaluation conducted by a qualified examiner who is not employed by the District. If the parent/guardian disagrees with an assessment obtained by the District, the parent/guardian of a student with disabilities has the right to obtain an IEE at public expense under the same criteria that the District uses for a District-initiated evaluation. Public expense means that the District either pays for the full cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. (Education Code 56329; 34 CFR 300.502)~~

The parent/guardian is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent/guardian disagrees. (Education Code 56329, 34 CFR 300.502)

If a parent/guardian has requested an IEE, the District may ask for the reason that he/she objects to the District's evaluation. However, the parent/guardian is not required to provide the reason to the District. (34 CFR 300.502)

Upon receiving the request for an IEE, the District shall, without unnecessary delay, either: (34 CFR 300.502)

1. File a due process complaint to request a hearing to show that its evaluation is appropriate.
2. Ensure that an IEE is provided at public expense unless the District can later demonstrate at a hearing that the evaluation obtained by the parent/guardian did not satisfy the District's criteria.

If a due process hearing decision determines that the District's evaluation is appropriate then the parent/guardian may obtain an independent educational assessment IEE, but not at public expense. (34 CFR 300.502)

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

In any decision made with respect to providing FAPE for a student with disabilities, the result of any IEE obtained by the student's parent/guardian shall be considered by the District if it meets District criteria. Any such result also may be presented as evidence at a hearing on a due process complaint. (34 CFR 300.502)

Reevaluation

A reevaluation shall be conducted when the District determines that the educational or related service needs of the student, including improved academic achievement and functional performance, warrant a reevaluation or if the student's parent/guardian requests a reevaluation. Such reevaluations shall occur every three years unless the parent/guardian and the District agree in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year unless the parent/guardian and the District agree otherwise. (Education Code 56043, 56381; 34 CFR 300.303)

The District shall ensure that any reevaluations of the student are conducted in accordance with the evaluation procedures pursuant to 34 CFR 300.311. (34 CFR 300.303)

Before entering Kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445)

Regulation

Approved: 11/13/90

Reviewed: 05/16/00

Reviewed: 12/06/11

Reviewed: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Student Services

ITEM TITLE:

First and Second Reading/Possible Revision: Proposed Revisions to Board Policy 6164.5, Student Success Teams

 X Action

 Information

BACKGROUND INFORMATION:

Board Policy (BP) 6164.5 is being revised to align with current State legislation relative to Student Success Teams.

ADDITIONAL DATA:

A copy of the proposed revisions is attached. Additional information is available for review in the office of the Assistant Superintendent of Student Services.

FISCAL IMPACT/FUNDING SOURCE:

None

STAFF RECOMMENDATION:

Recommend revision.

Instruction

STUDENT SUCCESS TEAMS

The Governing Board encourages the collaboration of parents/guardians, teachers, resource personnel or specialists, counselors, ,administrators, and students, as appropriate, in evaluating the strengths and needs of students having academic, attendance, social, emotional, or behavioral difficulties, and in identifying strategies and programs that may assist ~~the such students in maximizing their potential~~ making progress in grade level curriculum. The Superintendent or designee shall establish Student Success Teams ("SSTs") (formerly known as Student Study Teams) as needed to address individual students' needs.

(cf. 5147 – Dropout Prevention)

The Superintendent or designee shall establish and maintain a process for initiating referrals of students to the ~~Student Success Team~~ SSTs, which may include referral by District staff, parents/guardians, and/or agency representatives. The Superintendent or designee may also establish and maintain a process for responding to SST referrals, which may include a determination by the District as to whether an SST shall be convened for an individual student.

Each SST may collect and analyze relevant student data, as appropriate. The SST may also review the student's educational history, work samples, strengths and areas of growth, and identify available resources and strategies.

Each ~~Student Success Team~~ SST shall develop a plan to support the student which incorporates ~~intervention strategies to assist the student.~~ Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, social, emotional and/or behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

(cf. 5123 – Promotion/Acceleration/Retention)

(cf. 5141.3 – Health Examinations)

(cf. 5144 – Discipline)

(cf. 6158 – Independent Study)

(cf. 6159 – Individualized Education Program)

(cf. 6171 – Title I Programs)

(cf. 6172 – Gifted and Talented Student Program)

(cf. 6174 – Education for English Language Learners)

Instruction

STUDENT SUCCESS TEAMS (continued)

(cf. 6183 – Home and Hospital Instruction)

The ~~Student Success Team~~ SST shall monitor the student's progress, evaluate the extent to which the recommended strategies have been implemented, make adjustments to the plan, and develop additional interventions as needed.

The SST process shall not delay or deny a referral for evaluation for eligibility for special education, as may be required under state or federal law.

The Superintendent or designee may integrate SSTs into the District's multi-tiered system of support, including identification of students who need additional support, the level(s) of support, appropriate interventions, monitoring of progress, and whether the goal of intervention has been met.

To strengthen the effectiveness of SSTs, the Superintendent or designee may provide staff development in the identification of students who may need additional support, implementation of measurable and targeted interventions, and monitoring of progress and goal attainment.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

8800-8807 Healthy Start support services for children 41505-41508 Pupil

Retention Block Grant 48260-48273 Truancy

~~48400-48454 Continuation education~~

49600-49604 Educational counseling

51745-51749.3-6 Independent study programs

~~52200-52212 Gifted and talented student programs~~ 54400-54425

Programs for disadvantaged children

54440-54445 Migrant children

WELFARE AND INSTITUTIONS CODE

4343-4352.5 Primary interventions program, mental health

18986.40-18986.46 Interagency children's services

Instruction

STUDENT SUCCESS TEAMS (continued)

Management Resources:

CDE PUBLICATIONS

California MTSS Framework (2016)

Guide to Understanding California MTSS

~~SB-65 School-Based Pupil Motivation and Maintenance Program
Guidelines (2000-01 Edition), 2000~~

~~Student Success Teams: Supporting Teachers in General Education, 1997~~

~~CALIFORNIA DROPOUT PREVENTION NETWORK PUBLICATIONS~~

~~SST: Student Success Teams, 2000~~

WEB SITES

California Department of Education <https://www.cde.ca.gov/ci/cr/ri/>:

<https://www.cde.ca.gov/ls/ai/dp/>: ~~<http://www.cde.ca.gov/sp/branch/ssp>~~

~~California Dropout Prevention Network: National Dropout Prevention
Center: <http://www.dropoupprevention.org>~~

Policy

Reviewed: 01/18/05

Revised: XX/XX/XX

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

Report Calendar to Board of Education

 Action

 X **Information**

BACKGROUND INFORMATION:

<u>TOPIC</u>	<u>REPORT BY</u>	<u>TENTATIVE DATE</u>
Report on Parent Implementation Program (PIP)	Instructional Services	November 2023
Report on Single Plan for Student Achievement (SPSA)	Instructional Services	November 2023
Report on Safety Plan Approvals	Instructional Services	November 2023

ADDITIONAL DATA:

None.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

This is an information item.