VISION STATEMENT
• *We Value* - An organization culture based upon both individual strengths and relationships in which learners flourish in an environment of collaboration, freedom of expression, high expectation and relationships
• *We Commit to* - Continually refining our efforts to provide educational equity and high expectations for all students as we prepare them for success in college, career and beyond
• *We Believe* - In developing and nurturing all of our students and staff through continuously creating conditions that promote rigor, relevance and relationships through our organization

1. Call To Order/Flag Salute

2. Approval of Minutes
   1-a Minutes, Regular Meeting, March 17, 2016 (Dist. April 4, 2016)
3. Adoption of Agenda: Regular Meeting – April 7, 2016

4. Student Board Members - Reports or individual member items for discussion, research or future agendas
   - Destiny Leon, Bell Gardens High School
   - Michelle Mkhlian, Montebello High School
   - Cesar Rios, Schurr High School
   - Wendy Camarena, Applied Technology Center
   - Itais Cortez, Vail High School

5. Presentation: Nurses Transition to Pupil & Community Services
   Presented by Dan Garcia, Director – Pupil & Community Services

6. Presentation: 2016 MUSD Bond Update
   Presented by Ruben Rojas, Chief Business Officer

7. School Service Organizations: Discussion
   - HSPC - Kristiana Navarrete, President
   - CAC - Lorena De La Torre, Chair
   - MCPTA - Patricia Torres, President
   - DAC - Virginia Pop, Chair
   - DELAC - Martha Cabral, Chair

8. Employee Organizations: Discussion
   - AMSA - Juan Herrera, President
   - MTA - Lorraine Richards, President
   - CSEA - Lloyd Garrison, President

9. *Public Comment

*Public Comment
The Board President will recognize individuals in the audience who wish to speak to the Board of Education. The Laws and Policies governing Board of Education meetings will be observed with respect to all such presentations.

Prior to the beginning of the Board Meeting, those persons wishing to speak on items within the subject matter jurisdiction of this Board of Education are requested to register with the Board Secretary (Superintendent) by filling out the “Speaker Request Card” located at the rear of the Board Room. There is a **three-minute time limit** and the rules when addressing the Board of Education are outlined on the Speaker Request Card.
CONSENT AGENDA

Items under the Consent Agenda are considered to be routine and may be enacted by one motion. However, Board members or the Superintendent may withdraw items for further discussion and/or separate action. Should any Board member desire to consider any item separately, the Board member should so indicate to the President of the Board of Education under “Consent Agenda.”

10. REPORTS

Pell/Rojas

3-a Purchase Order Report Summary No. 17(2015-2016) - motion to accept

3-b Report of Revolving Cash Fund No. 12(2015-2016) - action to ratify

3-c Warrant Report No. 8(2015-2016) - motion to approve

Pell

3-d Suspensions of Pupils - Report dated January 2016 through March 2016 - informational

11. NEW BUSINESS

Cleve A. Pell, Chief Financial and Operations Officer

Pupil & Community Services

4-a Approval of Agreement – University of Redlands Counseling Training Affiliation Agreement

4-b Agreement – OCDE Community Day Schools/Community Home Education Program

4-c Obsolete Equipment – School Bus

4-d Adult Education Summer Program – 2016

4-e CBET Program Funding for Adult English Language Tutoring

4-f Application for the Adult Basic Education Funding for 2016-2017

4-g Application for Carl D. Perkins Career & Technical Education Funding

4-h Application for CalWORKs (GAIN)

4-i Institutional Memberships

4-j Fees for the High School Equivalency (HiSET) Test

Cleve A. Pell, Chief Financial and Operations Officer/Ruben J. Rojas, Chief Business Officer

Maintenance, Operations and Facilities Development

6-a Approval of Change Order No. 3, Bid No. 13(14-15) Relocation of 2 Portable Classrooms from Various Sites to Montebello Park Elementary School

6-b Acceptance of Completion: Bid No. 13(14-15) Relocation of 2 Portable Classrooms from Various Sites to Montebello Park Elementary School
11. **NEW BUSINESS** – (continued)

Cleve A. Pell, Chief Financial and Operations Officer/Ruben J. Rojas, Chief Business Officer

**Maintenance, Operations and Facilities Development**

6-c Approval of Change Order No. 2, Bid No. 07(14-15) Relocation of 2 Portable Classrooms from Various Sites and Restroom Building to Suva Elementary School

6-d Acceptance of Completion: Bid No. 07(14-15) Relocation of 2 Portable Classrooms from Various Sites and Restroom Building to Suva Elementary School

6-e Award of Contract: Bid No. 08(15-16) Exterior Environmental Remediation and Painting to Various Sites

6-f Approval to Enter into Agreement with Nyberg Architects for Architectural and Electrical Engineering Services for the Relocation of Two (2) Modular Classroom Buildings and One (1) Modular Restroom Building at Montebello High School for Adult Education

**Anthony J. Martinez, Ph.D., Assistant Superintendent – Instructional Services**

7-a Attendance at Meetings/Workshops/Conferences

7-b Employment of Consultants

7-c Approval of Agreement – AVID Path Training (Original Board 8-6-15 – Correction of cost-increase)

7-d Reimbursement of Tuition – Non-Public School – Armenian Mesrobian School (Original Board 8-6-15 – Final Allocation)

7-e Reimbursement of Tuition – Non-Public School – Bell Gardens Christian School (Original Board 8-6-15 – Final Allocation)

7-f Reimbursement of Tuition – Non-Public School – Montebello Christian School (Original Board 8-6-15 – Final Allocation)

7-g Reimbursement of Tuition – Non-Public School – Our Lady of the Miraculous Medal (Original Board 8-6-15 – Final Allocation)

7-h Reimbursement of Tuition – Non-Public School – Saint Benedict Elementary School (Original Board 8-6-15 – Final Allocation)

7-i Reimbursement of Tuition – Non-Public School – Saint Gertrude School (Original Board 8-6-15 – Final Allocation)

7-j Approval of Memorandum of Understanding – Azusa Pacific University

7-k Approval of Out-of-State/Overnight Special Study Trip – Wilcox Elementary School (Original Board 12-17-15 – Increase chaperones)

7-l Approval of Overnight/Out-of-State Special Study Trip – Wilcox Elementary School

7-m Approval of Out-of-State/Overnight Special Study Trip – Bell Gardens High School

7-n Purchase of Supplemental Instructional Materials – High School
11. **NEW BUSINESS** – (continued)

   Cleve A. Pell, Chief Financial and Operations Officer/Ruben J. Rojas, Chief Business Officer

   **Business Services**
   - 8-a Authorization to Make Transfers at Close of Year
   - 8-b Authorization to Pay Service and Utility Charges
   - 8-c Disposal of Records
   - 8-d Resolution No. 19(2015-2016) – Annual Delegation of Administrative Authority to Process Routine Budget Revisions, Adjustments, and Transfers
   - 8-e Resolution No. 20(2015-2016) – Temporary Interfund Cash Borrowing
   - 8-f Use of PCC 20118 Bid Award – Information Technology Services (Semetra, Inc.) (Revision of Original Board 02-18-16 – Increase in expenditure amount)
   - 8-g Use of PCC 20118 Bid Award – Information Technology Services (SIGMA, Inc.)
   - 8-h Use of PCC 20118 Bid Award – Information Technology Services (EPC IT Solutions)

   Jill E. Rojas, Assistant Superintendent, Human Resources

   - 9a - Certificated Personnel
     - 9a-1 Certificated Employment
     - 9a-2 Certificated Leaves of Absence
     - 9a-3 Resignation/Release/Retirement of Certificated Employees
     - 9a-4 MUSD Calendars, 2016/2017 School Year – AMSA/CSEA/MTA

   - 9b - Classified Personnel
     - 9b-1 Classified Personnel Employment
     - 9b-2 Resignation/Release/Retirement of Classified Personnel
     - 9b-3 Classified Personnel Leaves of Absence
     - 9b-4 Non-Classified Personnel Employment

12. Revision of Board Policy 4030(a) “Nondiscrimination in Employment” - (First Reading)

13. Adoption of New Board Policy 4222(a) “Teacher Aides/Paraprofessionals” - (First Reading)

14. Superintendent’s Reports

15. Board of Education Members – Reports or individual member items for discussion, research or future agendas

16. Public Comment on Closed Session Agenda Items
17. Recess - To Closed Session

Motion: _________________; Second: _______________; _____ p.m.

Closed Session Agenda:
   a) Public employee discipline/dismissal/release (Govt. Code Section 54957)
   b) Public employee complaint (Govt. Code Section 54957)
   c) Conference with labor negotiators (Govt. Code Section 54957.6)
      Agency Negotiator:  Jeffrey S. Schwartz
      Employee Organizations: Montebello Teachers Association
                              California School Employees Association
                              Non-represented groups
   d) Conference with legal counsel – existing litigation (Govt. Code Section 54956.9a):
      • Compromise and Settlement Agreement: V.A.S. v. MUSD, OAH Case No. 2016-03-0261
      • L.V. v. MUSD, Claim No. MONX-008586 (Compromise & Release)
      • J.R. v. MUSD, Claim No. MONW-008340 (Stipulation)

18. Report Out – Closed Session

ADJOURNMENT - To next regular meeting scheduled Thursday evening,
April 21, 2016, at 6:00 p.m. (open session)

Motion: _________________; Second: _______________; _____ p.m.
MEMORANDUM
March 31, 2016

TO: Susanna Contreras Smith, Superintendent of Schools
FROM: Jill E. Rojas, Assistant Superintendent, Human Resources
SUBJECT: Revision of Board Policy 4030(a) "Nondiscrimination in Employment"

The attached revised board policy is being presented to the Board of Education for its initial reading and review.

If the Board has no revisions or additions, the final version will be submitted for final adoption at the next regular Board of Education Meeting of April 21, 2016.

I recommend adoption of the following motion:

That the Board of Education approve the attached revised language for Board Policy 4030(a) "Nondiscrimination in Employment."

Approved for presentation to the Board of Education: April 21, 2016

[Signature]
Jill E. Rojas
Assistant Superintendent,
Human Resources

[Signature]
Susanna Contreras Smith
Superintendent of Schools
Secretary to the Board of Education
NONDISCRIMINATION IN EMPLOYMENT

The Governing Board of Education desires is determined to provide district employees and job applicants a safe, a positive work environment where employees and job applicants are free they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights are assured of equal access and opportunities in accordance with law. The Board of Education prohibits any District employee from harassing or discriminating against or harassing against any other District employee or job applicant on the basis of the person’s actual or perceived race, religion, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 5145.7 - Sexual Harassment)

The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

(cf. 4032 - Reasonable Accommodation)
(cf. 4154/4254/4354 - Health and Welfare Benefits)

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the district's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.

Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.
Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe and pervasive that it adversely affects an individual’s employment opportunities, has the purpose or effect of unreasonably interfering with the individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any District employee or job applicant who opposes any discriminatory employment practice by the District or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the District’s complaint procedures instituted pursuant to this policy No employee or job applicant who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who does report such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district’s nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district’s policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district’s employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any District employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

Assistant Superintendent, Human Resources
Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of District policy should consult his/her supervisor, the coordinator, or the Superintendent who shall advise the employee or applicant about the District’s procedures for filing, investigating, and resolving any such complaint.

Any District employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the principal, District administrator or Superintendent as soon as practical after the incident. Failure of a District employee to report discrimination or harassment may result in disciplinary action.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with Administrative Regulation 4031—Complaints Concerning Discrimination in Employment.

(c.f. 4031—Complaints Concerning Discrimination in Employment)

The Superintendent or designee shall regularly publicize within the District and in the community, the District’s nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The District’s policy and administrative regulation shall be posted in all schools and offices, including staff lounges and student government meeting rooms. (5 CCR 4960)

Other Remedies

An employee may, in addition to filing a discrimination complaint with the District, file a complaint with either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). The time limits for filing such complaints are as follows:

To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory acts(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s) unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged-
disparatory acts(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5).

To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged disparatory act(s) unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
CIVIL CODE
51.7 Freedom from violence or intimidation
GOVERNMENT CODE
11135 Unlawful discrimination 12900-12996 Fair Employment and Housing Act
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
PEAL CODE
422.56 Definitions, hate crimes
CODE OF REGULATIONS, TITLE 2
7287-6 11019 Terms, conditions and privileges of employment
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age
COURT DECISIONS
Management Resources:

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

**PUBLICATIONS**
California Law Prohibits Workplace Discrimination and Harassment, December 2014

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**
Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Notice of Non-Discrimination, August 2010–

**WEBSITES**
California Department of Fair Employment and Housing: [http://www.dfeh.ca.gov](http://www.dfeh.ca.gov)

U.S. Department of Education, Office for Civil Rights: [http://www.ed.gov/about/offices/list/ocr](http://www.ed.gov/about/offices/list/ocr)


Policy adopted: September 7, 2000
Policy revised: December 20, 2001–
Policy revised: December 19, 2013

**MONTEBELLO UNIFIED SCHOOL DISTRICT**

Montebello, California
MEMORANDUM
March 31, 2016

TO: Susanna Contreras Smith, Superintendent of Schools
FROM: Jill E. Rojas, Assistant Superintendent, Human Resources
SUBJECT: Adoption of New Board Policy 4222(a) "Teacher Aides/Paraprofessionals"

The attached proposed new board policy is being presented to the Board of Education for its initial reading and review. This new board policy is required for the Federal Program Monitoring (FPM) review purposes.

If the Board has no revisions or additions, the final version will be submitted for final adoption at the next regular Board of Education Meeting of April 21, 2016.

I recommend adoption of the following motion:

That the Board of Education approve the attached proposed new Board Policy 4222(a) "Teacher Aides/Paraprofessionals", and incorporate in the 4000 Series, to meet the Federal Program Monitoring (FPM) requirements.

Approved for presentation to the
Board of Education: April 21, 2016

Jill E. Rojas
Assistant Superintendent,
Human Resources

Susanna Contreras Smith
Superintendent of Schools
Secretary to the Board of Education
TEACHER AIDES/PARAPROFESSIONALS

The Governing Board recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

(cf. 1240 - Volunteer Assistance)
(cf. 4200 - Classified Personnel)
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

(cf. 4131 - Staff Development)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4215 - Evaluation/Supervision)
(cf. 4231 - Staff Development)

The Board encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)

Legal Reference on the next page:
TEACHER AIDES/PARAPROFESSIONALS (continued)

Legal References:
EDUCATION CODE
44833 Postsecondary students as nonteaching aides
44835 Duties of nonteaching work study aides

45330 Paraprofessionals
45340-45349 Instructional aides
45350-45354 Teacher assistants
45360-45367 Teacher aides
54480-54486 Special Teacher Employment Programs
CODE OF REGULATIONS, TITLE 5
12065-12070 Teacher aides for Special Teacher Employment Programs
UNITED STATES CODE, TITLE 20
6311 State plans
6314 Schoolwide programs
6315 Targeted assistance schools
6318 Parent involvement
6319 Qualifications for teachers and paraprofessionals
CODE OF FEDERAL REGULATIONS, TITLE 34
200.58-200.59 Qualifications and duties of paraprofessionals

Management Resources:
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Roles for Education Paraprofessionals in Effective Schools, 1997
Title 1 Paraprofessionals, Non-Regulatory Guidance, March 1, 2004
WEB SITES
CTC Paraprofessional Teacher Training Program: http://www.ctc.ca.gov/para
CDE: http://www.cde.ca.gov
CSBA: http://www.csba.org
California School Employees Association: http://www.csea.com
National Resource Center for Paraprofessionals: http://www.nrcpara.org
National Clearinghouse for Paraeducator Resources: http://www.usc.edu/dept/education/CMMR/Clearinghouse.html