ALL ITEMS FOR CONSIDERATION BY THE BOARD OF EDUCATION ARE AVAILABLE FOR PUBLIC VIEWING AT THE DISTRICT OFFICE (RECEPTIONIST’S DESK) AND AT http://www.montebello.k12.ca.us/boe_agendas_minutes

MONTEBELLO UNIFIED SCHOOL DISTRICT
REGULAR BOARD OF EDUCATION MEETING
BOARD ROOM
123 SOUTH MONTEBELLO BOULEVARD
MONTEBELLO, CALIFORNIA

November 15, 2018
5:00 P.M.

Board of Education
Ms. Joanna Flores, President
Mr. Benjamin Cárdenas, Vice President
Dr. Lani Cupchoy, Clerk
Mr. Hector A. Chacon, Member
Mr. Edgar Cisneros, Member

Executive Cabinet
Dr. Anthony J. Martínez, Superintendent of Schools
Dr. Angel E. Gallardo, Assistant Superintendent, Human Resources
Ms. Elvira Alvarado, Interim Assistant Superintendent, Educational Services

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 expectations 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

2. Public Comment on Closed Session Agenda Items

3. Recess - To Closed Session

   Motion: _______________; Second: _______________; ______ p.m.

Closed Session Agenda:

a) Closed Session pursuant to Government Code §54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation
   - PERB Unfair Practice Charge No. LA-CE-6360-E
   - Compromise and Release Agreement: 158328 v. MUSD, (OAH Case No. 2018100829)

b) Closed Session Pursuant to Government Code §54957 – Public Employee Discipline/Dismissal/Release - Two (2) matters
4. Call To Order/Flag Salute

5. Report Out – Closed Session

6. Approval of Minutes
   1-a Minutes, Regular Meeting, October 4, 2018 (Dist. November 9, 2018)
   1-b Minutes, Special Meeting, October 22, 2018 (Dist. November 9, 2018)

7. Adoption of Agenda: Regular Meeting – November 15, 2018

8. Student Board Members - Reports or individual member items for discussion, research or future agendas
   Johnathan Martinez, Schurr High School
   Brenda Cobos Molina, Vail High School
   Sebastian Camacho, Applied Technology Center
   Melvin Chicas, Montebello Community Day School
   Miguel Sanchez-Tortoledo, Bell Gardens High School
   Sharylize Pettite, Montebello High School

9. Presentation: Revenue & Expense Committee Report
   Presented by: Classified School Employees Association (CSEA)

10. Presentation: Adult Education
    Presented by: Ms. Alice Jacquez

11. School Service Organizations: Discussion
    DAC – Estela Ulloa, Chair
    DELAC – Martha Cabral, Chair
    HSPC - Veronica Serrano, President
    CAC - Lorena De La Torre, Chair
    MCPTA - Hector Hernandez, President

12. Employee Organizations: Discussion
    MTA - Doug Patzkowski, President
    CSEA - Marisol Rivera, President
    MUSD POA - David Park, President
    AMSA – Cecilia Ramirez, President

13. *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.
14. **Discussion and Action Items**

A. Fiscal Crisis & Management Assistance Team (FCMAT) Extraordinary Audit of the Montebello Unified School District Bond Program

B. Citizens Bond Oversight Committee Annual Report

C. Resolution No. 9(2018-2019) National School Psychology Awareness Week

D. Approval to Enter into Agreement with Dell Financial Services, L.L.C. for the Lease of Chromebooks, and ConvergeOne, Inc., for Professional Services and Deployment of Chromebooks

E. World Language Textbook Adoption

F. Purchasing and Leasing of School Buses

G. Resolution No. 10(2018-2019) In Support of the Classified School Employee Summer Assistance Program

H. Approval of Employment Agreement for Chief Business Officer

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**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."

**CONSENT AGENDA**

15. **REPORTS**

Martinez 3-a Purchase Order Report Summary No. 7(2018-2019 Fiscal Year) – motion to approve and ratify

“ 3-b Warrant Report No. 3(2018-2019 Fiscal Year) – motion to ratify

“ 3-c Record of Collections No. 3(2018-2019 Fiscal Year) – action to ratify

16. **NEW BUSINESS**

Anthony J. Martinez, Ph.D., Superintendent of Schools

5-a Revision of Board Bylaw No. 9270 - Conflict of Interest and Disclosure Code for Montebello Unified School District

Elvira Alvarado, Interim Assistant Superintendent, Educational Services

**Educational Services**

7-a Ratification of Attendance at Meetings/Workshops/Conferences

7-b Attendance at Meetings/Workshops/Conferences

7-c Ratification of Employment of Consultants

7-d Approval of Employment of Consultants

7-e Approval of Amendment 01 to Contract with the California Department of Education, Early Education and Support Division for General Child Care and Development
16. **NEW BUSINESS (continued)**

Elvira Alvarado, Interim Assistant Superintendent, Educational Services

**Educational Services**

7-f  Authorization to Submit Application for 21st Century - Intermediate Schools

7-g  Authorization to Submit Application for 21st Century - Elementary Schools - 75% FRPM (19-11-19-121-21st-20)

7-h  Authorization to Submit Application for 21st Century - Elementary Schools - 80% FRPM (19-11-19-121-21st-19)

7-i  Authorization to Submit Application for 21st Century - ASSETS High School

7-j  Authorization to Submit Application for ASES Kids Code Grant Pilot Program

7-k  2019-2020 Continued Funding Application for Child Development Program

7-l  Approval of Overnight/Out-of-State Special Study Trip - Applied Technology Center High School/Montebello High School and Schurr High School

7-m  Approval of Participation to Attend Southern California University of Health Science Field Trip - Applied Technology Center

7-n  Ratification of Participation to Attend Stanley Mock Trial Courthouse Field Trips - Applied Technology Center

7-o  Approval of Overnight/Out-of-State Special Study Trip - La Merced Intermediate

7-p  Approval of Payment - California Department of Social Services License Renewal Fee for Bella Vista Elementary

7-q  Ratification of Agreements - Students with Disabilities in Nonpublic Schools/Residential

7-r  Ratification to Enter into Agreement with LACOE Use of MUSD Facilities, Supplies and Services for Special Education Programs

7-s  Ratification of Agreement - Handicapped Students in Other Schools - Transportation

7-t  Approval of Overnight/Out-of-State Special Study Trip - Applied Technology Center High School/Montebello High School and Schurr High School

7-u  Ratification of Membership - American School Counselor Association (ASCA)

7-v  Memorandum of Understanding - America’s ToothFairy

7-w  Approval of Agreement - California State University, Los Angeles (CSULA)

7-x  Head Start Funding Application

7-y  Approval of Participation in the Los Angeles County Office of Education - 33rd Annual Los Angeles County Regional Science Olympiad
16. **NEW BUSINESS** (continued)

Anthony J. Martinez, Ph.D., Superintendent of Schools

**Business Services**

8-a Approval to Include Down Payment with Enterprise Fleet Management for the Lease of Six Utility Vehicles (Original Bd. date September 6, 2018)

8-b Approval to Enter into Agreement with SADA Systems, Inc. - Google Services Support

8-c Use of PCC 20118 Bid Award - Gasoline and Ultra-Low Sulfur Diesel Fuels for District Transportation Department (Falcon Fuels)

8-d Amendment to the Ratification of the First Annual Renewal Agreement with the Solis Group for Project Labor Compliance and Administration (PLA) on all projects meeting the District’s PLA Thresholds

8-e Ratification of Second Annual Renewal Agreement with ATI Architects and Engineers for Architectural and Engineering Services for Various District Projects

8-f Ratification of Second Annual Renewal Agreement with Westberg + White Architecture for Architectural and Engineering Services for Various District Projects

8-g Ratification of Second Annual Renewal Agreement with PBK for Architectural and Engineering Services for Various District Projects


8-i Ratification of Second Annual Renewal Agreement with Pringle & Associates for Inspector of Record Services for Various District Projects

8-j Ratification of Second Annual Renewal Agreement with RS Construction Services, Inc. for Inspector of Record Services for Various District Projects

8-k Ratification of Second Annual Renewal Agreement with Stephen Payte DSA Inspections, Inc. for Inspector of Record Services for Various District Projects

8-l Approval to Enter into Agreement with Project Support Services for Consulting Services to Resolve Division of the State Architect (DSA) Issues with Legacy Projects and to Achieve DSA Project Close-Out and Certification on Various Projects

8-m Approval of Expenditure for Various Licensed Environmental Contractors for Lab Pack Services of Hazardous Waste Accumulation Located District-Wide

8-n Approval to Enter into Agreement with Titan Environmental Solutions, Inc., for the Monitoring and Final Clearance Services for the Bell Gardens High School Pigeon Infestation

8-o Approval to Enter into Agreement with Sky Blue Environmental, Inc., for the Remediation of the Biohazardous Pigeon Wastes at Montebello High School

8-p Ratification of the Agreement with PBK for Architectural and Planning Services for the New Americans with Disabilities Act (ADA) Compliant Stairway, Ramp and Awning at the Nutritional Services Building

8-q Amendment to J. Glynn & Company Agreement

8-r Approval to Enter into Agreement with A-Z Tech Elevator Company for the Service and Necessary Repairs to the Elevator at Cesar Chavez Elementary School
16. **NEW BUSINESS** (continued)

   Elvira Alvarado, Interim Assistant Superintendent, Educational Services

   9a - Certificated Personnel
   9a-1 Ratification of Certificated Employment
   9a-2 Approval of Certificated Employment
   9a-3 Ratification of Certificated Leaves of Absence
   9a-4 Approval of Certificated Leaves of Absence
   9a-5 Ratification of Resignation/Release/Retirement of Certificated Employees
   9a-6 Approval of Resignation/Release/Retirement of Certificated Employee
   9a-7 Ratification of School Psychology Fieldwork Agreement Loyola Marymount University
   9a-8 Ratification of Teaching Internship Agreement California State University, Fullerton
   9a-9 Ratification of Internship Credential Program Agreement - National University

   9b - Classified Personnel
   9b-1 Ratification of Classified Personnel Employment
   9b-2 Approval of Classified Personnel Employment
   9b-3 Resignation/Release/Retirement of Classified Personnel
   9b-4 Ratification of Non-Classified Personnel Employment
   9b-5 Classified Personnel Leaves of Absence
   9b-6 Salary Review and Modification of Salary Allocation: Bus Driver (As Needed) and School Police Officer (As Needed)
   9b-7 Mountain Driver Stipend

17. New Board Policy 4033 - Lactation Accommodation (First Reading)

18. Adoption of Board Policy 6146.1 (First Reading)

19. Adoption of Board Policy 6172.1 (First Reading)

20. Adoption of New Administrative Regulation 6172.1(First Reading)

21. Adoption of Administrative Regulation 5121(First Reading)

22. Superintendent’s Reports

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

**ADJOURNMENT** - To next regular meeting scheduled Thursday evening, December 6, 2018, at 5:00 p.m. (closed session)

Motion: __________________; Second: __________________; _______ p.m.
MEMORANDUM
November 2, 2018

TO: Anthony J. Martinez, Ph.D., Superintendent of Schools

FROM: Marlene Marin Pitchford, Director, Classified Human Resources

SUBJECT: New Board Policy 4033 – Lactation Accommodation (First Reading)

The Surgeon General has called on all sectors of the community, including employers, to protect, promote and support breastfeeding. Breastfeeding is the first step to a healthy life. Legal protections exist in order to help mothers breastfeed longer.

Lactation accommodation is both a state and federal law.

- It is unlawful for an employer to discriminate against someone who is breastfeeding. (Government Code 12926)
- Employees must receive a reasonable amount of break time to express milk. This break time can be part of the regularly established work breaks. (Labor Code Sections 1030-1033)
- Employees should be provided with a private space to pump that is near their workstation. A toilet stall is not an acceptable place to pump. (Labor Code Sections 1030-1033)
- In addition to these state law protections, federal law also protects the rights of breastfeeding employees. (Federal Fair Labor Standards Act 29 U.S.C. 207 § 7(r))

Therefore, it is recommended that employers develop a written policy regarding lactation accommodation, ensure it is on file for employees, and ensure that all supervisors are aware of the policy. Additionally, federal law requires employers to designate areas for pumping, breastfeeding and storing of milk to create a more breastfeeding friendly workplace for lactating parents.

Therefore, it is recommended that the Board of Education approve the following motion:

That the Board of Education adopts the attached Board Policy 4033 – Lactation Accommodation, on December 6, 2018

[Signature]
Marlene Marin Pitchford
Director
Classified Human Resources

Approved for presentation to the
Board of Education: December 6, 2018

[Signature]
Anthony J. Martinez, Ph.D.
Superintendent of Schools
Secretary to the Board of Education
LACTATION ACCOMMODATION

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express breast milk for her infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employee’s essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

Before an employee’s supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent of Schools or designee. In any case in which lactation accommodations are denied, the Superintendent of Schools or designee shall document the options that were considered and the reasons for denying the accommodations.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
CIVIL CODE
43.3 Right of mothers to breastfeed in any public or private location
GOVERNMENT CODE
1.2940 Discriminatory employment practices
12945 Discrimination based on pregnancy, childbirth, or related medical conditions
LACTATION ACCOMMODATION (continued)

Legal Reference: (continued)

LABOR CODE
1030-1033 Lactation accommodation
CODE OF REGULATIONS, TITLE 2
11035-11049 Sex discrimination: pregnancy and related medical conditions
UNITED STATES CODE, TITLE 29
207 Fair Labor Standards Act: lactation accommodation
FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS
Department of Fair Employment and Housing v. Acostia Tacos (Chavez). FEHC
Precedential Decision 09-03P, 2009

Management Resources:
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS
Rest Periods/Lactation Accommodation, Frequently Asked Questions
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
Minimum Requirements of the California Lactation Accommodation Law
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
Lactation Support Program Toolkit
FEDERAL REGISTER
Reasonable Break Time for Nursing Mothers. December 21, 2010, Vol. 75, No. 244,
pages 80073-80079
OFFICE OF THE SURGEON GENERAL PUBLICATIONS
The Surgeon General’s Call to Action to Support Breastfeeding, 2011
HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS
The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly
Worksite. Toolkit, 2008
U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS
Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010
WEB SITES
California Department of Industrial Relations, Division of Labor and Standards
Enforcement: http://www.dir.ca.gov/dlse
California Department of Public Health: http://www.cdph.ca.gov
California Women, Infants and Children: http://www.wicworks.ca.gov
Centers for Disease Control and Prevention: http://www.cdc.gov
Health Resources and Services Administration: http://www.hrsa.gov
U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:
http://www.dol.gov/whd/nursingmothers

Policy
adopted December 6, 2018

MONTEBELLO UNIFIED SCHOOL DISTRICT
Montebello, California